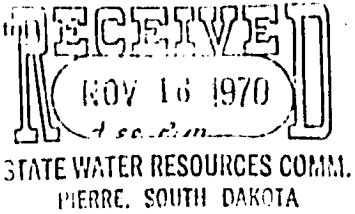


Water Right Number 1787-3

1. Considered January 20, 19 71
2. Name of Applicant Fred Assam
3. Post Office Address Lake Andes, S.D.
4. Amount of water claimed 1.14
5. Source of water supply Missouri River
6. Water to be used for irrigation
Acres to be irrigated 90.00
7. Water to be diverted and used in Charles Mix County
about 5 1/4 miles of LAKE ANDES
8. Proof of Publication
Received ~~1-20-71~~ 1-20-71
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

1297-3 No. 1787-3
 Map No. ~~1787-3~~ Water Division No. 3 MISSOURI RIVER
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant Fred Assam
 Postoffice address Lake Andes, State South Dakota
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) contract & direct labor
 3. Name of diversion work Assam River Diversion
 4. Amount of water claimed (cubic feet per second) 1.14
 5. Source of water supply Missouri River
 6. Location of point of diversion 4800' South of the NW Corner, Section 32, T96N, R66W

- County Charles Mix
 7. Annual period or periods during which water is to be used June, July and August
 8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) _____
 9. For irrigation use, Total number of acres to be irrigated 80

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T96N, R66W	40		
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T96N, R66W	40		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Charles Mix Co. News, Geddes, S.D.
 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pump and motor

Mainline

Gated pipe

B. Works proposed to transport water to place of use.

C. Works proposed to apply water to beneficial use.

Gravity

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Sioux

I, Fred Assam, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Fred AssamSubscribed and sworn to before me this 16 day of November 19 70

Betty Westlund
 Notary Public (or other qualified officer)
 Tech. Ass't. W.R.C.

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1787-3FRED ASSAM

(Applicant)

LAKE ANDES

(Post Office Address)

SOUTH DAKOTA

(State)

With the following modifications:

Date of first receipt of application NOVEMBER 16, 1970

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

Date of receipt of corrected application _____, 19____

Approved JANUARY 20, 1971, Recorded in Book 11, Page 226WATER RIGHT PERMIT NO. 1787-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1787-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is NOVEMBER 16, 1970
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 20, 1973
3. The whole of said work is to be completed on or before JANUARY 20, 1975
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 20, 1980
5. The water appropriated shall be used for the purpose of IRRIGATION
6. 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.
7. The amount of the appropriation herein granted shall not exceed 1.14 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 JANUARY 20, 1980; said water to be used during the following described annual period: JUNE, JULY & AUGUST

Witness my hand this 22ND day of JANUARY, 1971

WATER RESOURCES COMMISSION

By: [Signature]

Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 15, 1977Water License Issued SEPTEMBER 15, 1977

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1787-3

(1) WHEREAS, On the 10th day of November A. D. 19 70
Fred Assam

made Water Right Application No. 1787-3 for a permit to use 1.14 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 16th day of January A. D. 19 71
Permit No. 1787-3, with a date of priority of November 16, 1970

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 20th day of January A. D. 19 75 and for the
application to beneficial use of said water on or before the 20th day of January A. D. 19 80

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 1.14 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32 and in the
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, T96N. R66W

(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 Fred Assam

_____ of Lake Anden

the holder _____ and owner _____ of said permit No. 1787-3 a water right, dating from November 15, 1970

_____ 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 a point 4800'S of the NW corner, Section 32,

T96N, R66W

and conduct to and upon 80 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32 and in the SW $\frac{1}{4}$ NW $\frac{1}{4}$,

Section 33, T96N, R66W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1787-3 and subject to the laws of the State of South Dakota.

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

this 15th day of September A. D.

Nineteen Hundred and seventy-seven

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 1787-3

Water Diversion No. 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Fred Assam

_____ the holder _____ of
Permit No. 1787-3, issued upon Application No. 1787-3, bearing date of priority of November 16,
1970 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 _____
a point 4800'S of the NW corner, Section 32, T96N, R66W
_____, for 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 2.44* cu. ft. per second of water.

Date September 15, 1977

By:

~~WATER RIGHTS COMMISSIONER~~
WATER RIGHTS COMMISSION

John Hatch
JOHN HATCH, Chief Engineer

*Same delivery system used on Permit No. 2089-3

J. 1787-3December 24, 1970

Publish first publication, on or before _____, 19____

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

November 25, 1970Notice is hereby given that Fred Ardenwhose post office address is Lake Arden, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use1.14 cubic feet of water per second of time from the Missouri River through the Arden River Diversion, the point of diversion of which is to be located in the _____SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Twp. 96N, Range 66W. Said water to be used for the purpose

of providing irrigation on the following described land:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, T96N, R66WThis application No. 1787-3 will be considered by the Water Resources Commission at their office atPierre upon the 20th day of January, 1971, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: Elvern Varilck, Geddes, S.D.

Charles Mix County

Geddes, S. Dak.

NOTICE OF INTENT TO APPROPRIATE WATER

File
Harold Williams Notice is hereby given that
deposes and says Fred Assam, whose post office
and State of South Dakota, has made an applica-
tion in accordance with the provisions of the mater laws of
once each week, visions of the mater laws of
bona fide circulation of at least 200 copies weekly, has been
admitted to the U. S. mail under the second class mailing priv-
ilege for at least one year prior to the publication of the ann-
exed notice, and said newspaper is printed either in whole or in
part in the office maintained at the above place of publication,
that the said newspaper has been published as aforesaid con-
tinuously for more than one year last preceding the publication
of said notice and is a legal newspaper.

That the affiant is the publisher (.....) of said
newspaper, in charge of the advertising department thereof, and
has personal knowledge of all the facts stated in this affidavit;

and that the notice and advertisement headed _____

*Notice of Intent to appropriate
Water* a printed copy of

which is hereto attached, was printed and published in the
Charles Mix County News for *four* issues, the first pub-
lication being made on

Thursday, the *17th* day of *Dec.*, A. D. 19*70*
and the succeeding publications were made severally on

Thursday, the *24th* day of *Dec.*, A. D. 19*70*

Thursday, the *31st* day of *Dec.*, A. D. 19*70*

Thursday, the day of, A. D. 19....

Thursday, the day of, A. D. 19....

Thursday, the day of, A. D. 19....

Thursday, the day of, A. D. 19....

Thursday, the day of, A. D. 19....

and the last publication being made on

Thursday, the *7th* day of *January*, A. D. 19*71*

That the fee for publishing said notice is the sum of \$.....

Elta V. Williams
Subscribed and sworn to before me this *18th* day of

January, A. D. 19*71*
Harold Williams

Notary Public in and for Charles Mix Co., S. D.

My commission expires *Dec. 9, 1974*, A.D. 19*74*

South Dakota for a permit to
appropriate for beneficial use
1.14 cubic feet of water per sec-
ond of time from the Missouri
River through the Assam River
Diversion, the point of diversion
of which is to be located in the

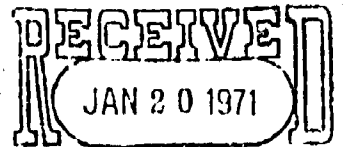
SE1/4 of Section 32,
Twp. 96N, Range 66W. Said
water to be used for the pur-
pose of providing irrigation
on the following described
land:

SE1/4 NE1/4, Section 32; SW1/4
NW1/4, Section 33, T96N,

RC6W.

This application No. 1787-3
will be considered by the Water
Resources Commission at their
offices at Pierre upon the 20th
day of January, 1971, at 2:00
P. M. All interested persons may
appear and be heard.

Water Resources Commission,
Burton, F. Jones,
Water Rights Specialist



STATE WATER RESOURCES COM. A.
PIERRE, SOUTH DAKOTA

1787-3 Fred Adams - Birmingham
 5-7-76 Pump Body by Sand 7065562
 Model B6TS PBL CW
 BM # 3963 Impeller 12 3/4"
 RPM 1765 - 40 HP.

Motor -

US Central Motor

HP 50 Type K-1

Model KC-343-00-270, 1765 RPM

1100 GPM.

7646
 1320
 3760

Main Line - 10" dia 5750 ft

10" dia galv - 4100 ft - 30' spacing

7087-3 Adams - 1st 40 ft. in 5655-57

1087 1/2 or to some equipment as in app. 2

1170-3 1727-3.

Permit No. 1787-3Water Division 3 Missouri 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 Fred Assam of Lake Andes, S. Dak. holder of Permit No. 1787-3, bearing date of priority of November 16, 1970 authorizing the diversion of 1.44 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:
Pump Berkeley, Serial # 7065362, Model BJ6 PBL CW
BA # 3963 Impeller 12 $\frac{3}{4}$ " , RPM 1765, 40 HP.
Motor, US Electrical, HP-50, Type R-1, Model # RR-343-00-270,
RPM 1760, 100 GPM
- B. Works used to transport water to place of use,
Mains - Aluminum - 10 inches, d.i., 5280 ft.
- C. Works used to apply water to beneficial use.
Gated Pipe - 10 inch dia. 4000 ft. 30 inch gate spacing.

The system is in the following condition: GoodThe point of diversion is located 4800 ft south of NW corner, Section 2,
T96N, R66W.The works are capable of diverting and conveying to the place of use 2.44
cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32-T96N, R66W - 40.0 Acres, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 33, T96N, R66W, 40.0 Accomprising a total of 80.0 acres of land.Note: Equipment used in connection with W.R.C. 2057-3Date March 22, 1976
L. Roy J. Wernick
(Signature)



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

September 27, 1977

Elvern Varilek
Geddes, SD 57342

Dear Mr. Varilek:

Enclosed herewith are, ^{Fred Assam's} Water License No. 1787-3 and Certificate of Construction.

Water License No. 1787-3 is the final water right document completing your process of obtaining water right.

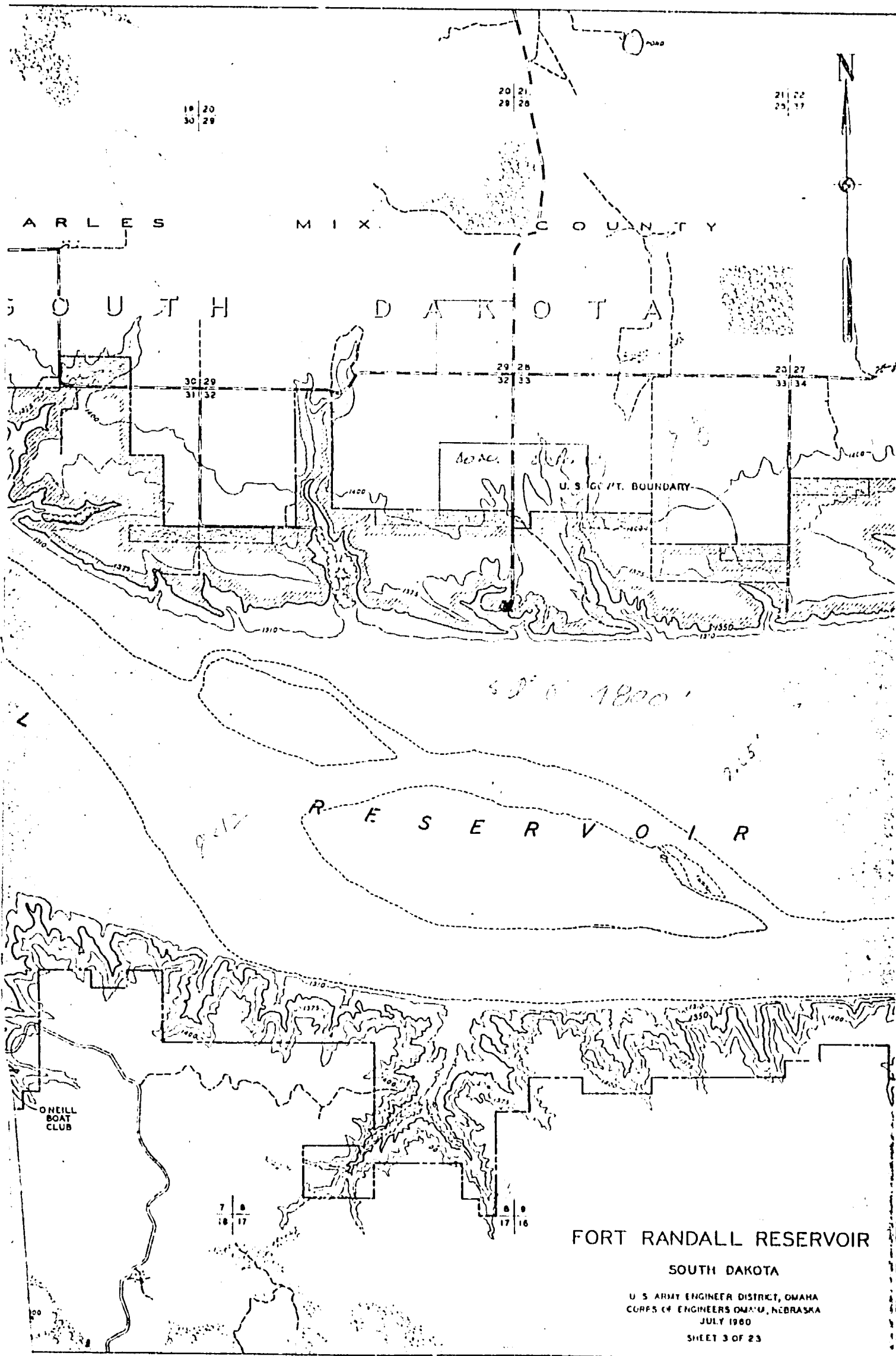
As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
WATER RIGHTS COMMISSION

JH: gy

Enclosures



FORT RANDALL RESERVOIR

SOUTH DAKOTA

U.S. ARMY ENGINEER DISTRICT, OMAHA
CORPS OF ENGINEERS OMAHA, NEBRASKA
JULY 1960

South Dakota
Department of
Water & Natural Resources

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

April 15, 1985

Elvern & Margret Varilek
Geddes, SD 57342

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

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

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

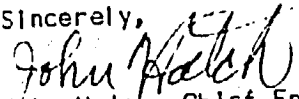
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in DCL 1-26. Following the hearing(s), the Water Management Board can:

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

3. Take no action.

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

Sincerely,



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

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



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Elvern & Margaret Varilek
Geddes, SD 57342

FROM: John Hatch, Chief Engineer
Water Rights Division

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive style and is positioned to the right of the "FROM:" line.

SUBJECT: Amendment to Water Permit No(s). 2090-3, 1074-3, 1404-3, 2566-3,
2089-3, 2272-3, 201-3, 1787-3, 4638-3, 1508-3, 1415-3,
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, 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, 1506-3, 1415-3

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

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



Department of Water & Natural Resources

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

March 23, 1987

ELVERN VARILEK
GEDDES, SD 57342

NOTICE

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

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

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

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

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

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

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

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


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

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



Department of Water & Natural Resources

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

May 4, 1987

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

Elvern Varilek
Geddes, SD 57342

Dear Mr. Varilek:

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

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

If you have any questions, please contact us.

Very truly yours,

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

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

**South Dakota Department of
Water & Natural Resources**

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

January 29, 1988

ELVERN VARTHEK, OP
GEDDES, SD 57342

NOTICE

Re: Violation of Water Permit No(s). 1787-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 1787-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1787-3 qualification:

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

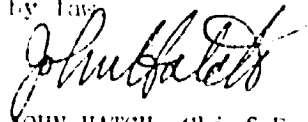
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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). 1787-3 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

cc: Fred Assam, Lake Andes, SD 57356

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.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 9, 1988

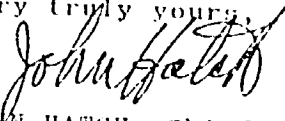
201-3	1074-3
1415-3A	1404-3
1508-3A	<u>1787-3</u>
2272-3	2089-3
2090-3	2566-3
4638-3	

Elvern Varilek
Geddes SD 57342

Dear Mr. Varilek:

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

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

Very truly yours,


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



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

February 9, 1990

ELVERN VARILEK, OP
GEDDES, SD 57342

NOTICE

RE: Violation of Water Permit No(s). 1254-3, (1737-3)

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1254-3, 1787-3. 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). 1254-3, 1787-3 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). 1254-3, 1787-3 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.

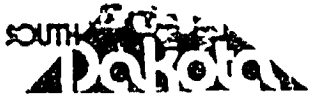
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

CC: Paul Kern, 115 6th St. Lake Andes SD 57356



Department of Water & Natural Resources

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

February 23, 1990

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

Elvern Varilek
Geddes SD 57342

Dear Mr. Varilek:

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

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

Sincerely,

Ron Duvall /KD

RON DUVALL
Natural Resources Engineer
Water Rights Division



GREAT FACES. GREAT PLACES.

February 1, 1991

ELVERN VARILEK, OP
GEDDES SD 57342

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

NOTICE

RE: Violation of Water Permit No(s) 1254-3, 1787-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1254-3, 1787-3. 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) 1254-3, 1787-3 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) 1254-3, 1787-3 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

cc: Paul Kern, 11 S 6th Street, Lake Andes SD 57356
Fred Assam, 530 S Phillips, Sioux Falls SD 57101



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 21, 1991

Eivern Varilek
Geddes, SD 57342

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

Dear Mr. Varilek:

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

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



ELVEPH VARILEK
GEDDES SD 57342

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

NOTICE

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

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

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

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1415-3A, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 1992

Elvern Varilek
Geddes, SD 57342

RE: Irrigation Questionnaires for Permit Nos. 201-3, 1074-3,
1254-3, 1404-3, 1415-3A, 1503-3A, 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

1787-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

TO: ELVERN VARILEK
GEDDES SD 57342

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

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

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.



1787-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 4, 1993

Elvern & Margaret Varilek
Geddes, SD 57342

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

Dear Mr. & Mrs. Varilek:

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

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

If you have any questions, please contact me.

Sincerely,

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



1787-3

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

February 16, 1994

ELVERN VARILEK
GEDDES SD 57342**NOTICE**

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

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

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, & 4638-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1415-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3252

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 1994

Elvern Varilek
Geddes, SD 57342

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

Dear Mr. Varilek:

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

The questionnaires were completed and on file in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1787-3

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

February 7, 1995

ELVERN VARILEK
BOX 167
GEDDES SD 57342**NOTICE**

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

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

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is(are) received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



1787-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 1995

Elvern Varilek
Box 167
Geddes, SD 57342

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

Dear Elvern:

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

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

If you have any questions, please contact me.

Sincerely,

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



1787-3

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

February 4, 1997

NOTICE**TO:** ELVERN VARILEK, BOX 167, GEDDES, SD 57342**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Violation of Water Permit No(s). 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3

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

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

1787-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1997

Elvern Varilek
Box 167
Geddes, SD 57342

Dear Elvern:

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny", written over a horizontal line.

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



1787-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: ELVERN VARILEK, BOX 167, GEDDES, SD 57342
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



1787-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2000

Elvern Varilek
Box 167
Geddes, SD 57342

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

Dear Elvern:

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

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right/Permit Nos. 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1787-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: ELVERN VARILEK, BOX 167, GEDDES, SD 57342
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1254-3, 1508-3A, 1787-3, 2089-3 & 2566-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1254-3, 1508-3A, 1787-3, 2089-3 & 2566-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 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) 1254-3, 1508-3A, 1787-3, 2089-3 & 2566-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, 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.

Ray,

I am sorry about the mix-up on the questionnaires.
In the future would you send the forms to me to
avoid the confusion at our end. I noted the change
of address on the forms.

Tom Varilek
29274-374th Ave
Geddes, SD 57342 605-337-2478

Thank you,

Tom Varilek





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2001

Tom Varilek
29274 374th Ave
Geddes, SD 57342

RE: Water Right Nos. 1254-3, 1508-3A, 1787-3, 2089-3 & 2566-3

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 1254-3, 1508-3A, 1787-3, 2089-3 and 2566-3.

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

As you requested, I have made a notation in the files to send future irrigation questionnaires to your name. If you have any questions, please contact me.

Sincerely,

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

c: Elvern Varilek



1787-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: TOM VARILEK, OPERATOR, 29274 374TH AVE, GEDDES, SD 57342
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1254-3, 1508-3A, 1787-3, 2089-3 & 2566-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1254-3, 1508-3A, 1787-3, 2089-3 & 2566-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

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



1787-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 11, 2002

Tom Varilek
29274 374th Ave
Geddes, SD 57342

RE: Water Right or Permit Nos. 1254-3, 1508-3A, 1787-3, 2089-3, 2272-3 & 2566-3

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right or Permit Nos. 1254-3, 1508-3A, 1787-3, 2089-3, 2272-3 & 2566-3.

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

As you requested, No. 2272-3 has been changed so that future correspondence will be directed to you. I will contact Brad Bechen for the information for Water Right No. 1787-3. Thank you for writing us about the changes needed for these water rights.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 2002

1787-3

Brad Bechen
38742 289th St
Lake Andes SD 57356

Dear Mr. Bechen:

Enclosed, as we discussed, is a sample irrigation questionnaire for Water Right No. 1787-3 and a copy of the water right for your review.

The sample copy of the questionnaire will give you an idea of what type of information you will need to keep track of during the irrigation season. The actual irrigation questionnaire that will need completing and returned to us will be mailed to you sometime in October, 2002.

If you have any questions, please get in touch with me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 15, 2003

1787-3

Brad Bechen
38742 289th St
Lake Andes SD 57356

Dear Mr. Bechen:

Thank you for sending in the 2003 irrigation questionnaire for Water Right No. 1787-3.

You made a notation on the form that the source should be listed as ground water (well). I am sending you a copy of the water right which outlines what is authorized for irrigation. If indeed a well is being used as opposed to the river to irrigate the land, the water right will need to be amended to change the source.

If I have misunderstood your notation, please get in touch with me. Thanks in advance for your help.

Sincerely,

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



1787-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: BRAD BECHEN, OPERATOR, 38742 289TH ST, LAKE ANDES, SD 57356
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1787-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1787-3 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 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1787-3 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 25, 2005, 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.



1787-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0155

Your item was delivered at 1:14 pm on January 21, 2005 in LAKE ANDES, SD 57356. The item was signed for by K BECHEN.

[Shipment Details >](#)

Notification Options

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Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0155

BRAD BECHEN, OPERATOR
38742 289TH ST
LAKE ANDES SD 57356

Waiver of Signature ☐ YES ☐ NO

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PS Form 153, July 2001

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 15, 2005

1787-3

Brad Bechen
38742 289th St
Lake Andes SD 57356

Dear Mr. Bechen:

I am writing to acknowledge receipt of the information for the 2004 irrigation questionnaire for Water Right No. 1787-3 (listed in the name of Fred Assam). I completed a questionnaire for you based on our February 14th telephone conversation.

You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 1787-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

During our conversation you indicated that you have not irrigated for a few years but that you have not needed to irrigate due to enough rainfall. In South Dakota, water must be placed to beneficial use for the purpose it was appropriated at least once every three years. The three year period is waived if legal excuse exists for not irrigating. Enclosed are excerpts of our water laws and Water Management Board Rules dealing with these issues.

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

Sincerely,

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

enclosures



1787-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

TO: BRAD BECHEN, OPERATOR, 38742 289TH ST, LAKE ANDES, SD 57356
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1787-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1787-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1787-3 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 24, 2006**, 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.



1787-3

Track & Confirm

Current Status

You entered 2303 2160 0000 0799 4695

Your item was delivered at 1:54 pm on January 25, 2006 in LAKE ANDES, SD 57356. The item was signed for by K BECHEN.

[Shipment Details >](#)

Track & Confirm

Enter label number:

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 4695

BRAD BECHEN, OPERATOR
38742 289TH ST
LAKE ANDES SD 57356

illing.

Waiver of Signature ☐ YES ☐ NO

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PS Form 153, May 2002

(See Reverse)

2-6-06: Verbal Communication with
Becheni'; told them to disregard letter.
Wrong person notified.
Jm

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Sam Assam, 530 S Phillips Ave, Sioux Falls SD 57104

DATE: February 6, 2006

TELEPHONE: 605 334-8040

RE: Water Right No. 1787-3

COMMENTS:

Mrs. Vincent Bechen called regarding a letter her son received concerning submission of the 2005 irrigation questionnaire. The land they farm is not irrigated and the source once used was ground water. She said to call the owner of the land for the information needed.

Called and spoke with Sam Assam. The land is being operated by Bob Creasey and is irrigated from the Missouri River. Evidently, Brad Bechen farmed the land for them for one year and then Mr. Creasey took over operation of it.

Mr. Assam said to contact Bob Creasey for the irrigation information for Water Right No. 1787-3. I called and spoke with Mr. Creasey – he still has the information for 2005 and requested a form for reporting the information.

Records show two water rights are still listed in Fred Assam's name. No. 1787-3 is for irrigation and No. 1605-3 is for fish & wildlife propagation. Mr. Assam requested transfer forms for use in making ownership changes to both water rights. He talked about some changes that have been made to the systems under No. 1787-3. A copy of the water right will be forwarded to him along with the transfer form for his review.

Genny McMath

Genny McMath
Environmental Scientist



February 6, 2006

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1787-3

Sam Assam
530 S Phillips Ave
Sioux Falls SD 57104

Dear Mr. Assam:

I am writing in follow-up to our phone conversation concerning Water Right Nos. 1605-3 and 1787-3. Both water rights are still listed in the name of Fred Assam.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Please review and complete as needed. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of both water rights for your review. Water Right No. 1605-3 covers the storage dam in Minnehaha County. Water Right No. 1787-3 is for diversion of water from the Missouri River for irrigation purposes. You indicated that the system has changed from what was originally developed under No. 1787-3. Please review the water right to see if changes need to be made.

I have contacted Bob Creasey concerning the 2005 irrigation questionnaire for No. 1787-3. He indicated he still had the records and would complete a questionnaire for last season. Future questionnaires will be sent directly to him until you let us know otherwise.

If I can answer any questions for you please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 12, 2006

1605-3
1787-3

Sam Assam
530 S Phillips Ave
Sioux Falls SD 57104

Dear Mr. Assam:

On February 6th, I wrote to you concerning ownership changes needed for Water Right Nos. 1605-3 and 1787-3 (a copy of the letter is attached). Both water rights are still listed in the name of Fred Assam.

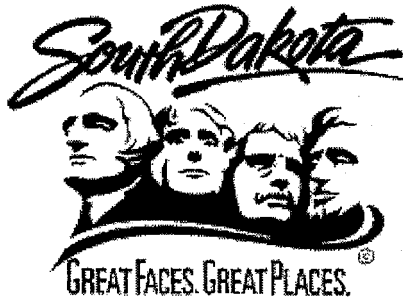
Transfer forms were forwarded to you along with copies of the water rights. To date, I have not received the information back from you and am writing to see if I can assist you in any way with the forms or if you had questions concerning the water rights.

If I can answer any questions for you please contact me.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 22, 2007

1605-3
1787-3

Sam Assam
530 S Phillips Ave
Sioux Falls SD 57104

Dear Mr. Assam:

On **February 6th and May 12th, 2006** I wrote to you concerning ownership changes needed for Water Right Nos. 1605-3 and 1787-3. Both water rights are still listed in the name of Fred Assam. Transfer forms were forwarded to you along with copies of the water rights. To date, I have not received the information back from you and am writing to see if there is a reason that you have not filed the ownership changes?

In the event you no longer have the original forms I sent to you, enclosed is an additional set of partially completed forms. Please complete and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you no longer own the land and we should be contacting another party, please let me know.

Sincerely,

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

enclosures

RECEIVED

JUL - 9 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1787-3

Date: 7-5-07

I/We request that Water Right No. 1787-3

formerly owned by: Fred Assam

be transferred to: (name & address) Hamad Assam Corporation
3200 W. 49th Street, Sioux Falls, SD
57106 Telephone No. 334-8040

Title to the following described land(s)/property has been transferred as described above:

80 acres in the SE ¼ NE ¼ Section 32 & SW ¼ NW ¼ Section 33, T96N, R66W; Charles Mix Co.

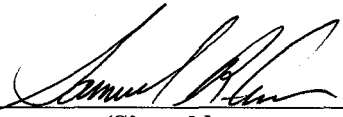
I/We understand that the validity of Water Right No. 1787-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

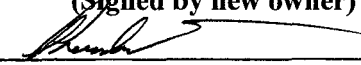
A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Hamad Assam Corp, the new owner, certify that the above information is true and correct.

Hamad Assam Corporation

BY: 

Its:

(Signed by new owner)


NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/9/, 20 07

RECEIVED OF HAMAD ASSAM CORP 530 S PHILLIPS AVE SIOUX FALLS SD 57104

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1787-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03089

By

Gerald Erbe

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 9, 2007

1605-3

1787-3

Sam Assam
3200 W 49th St
Sioux Falls SD 57106

Dear Mr. Assam:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for Water Right Nos. 1605-3 and 1787-3. The ownership changes have been completed.

The water rights formerly held by Fred Assam were transferred as follows:

- No. 1605-3 (storage dam in Minnehaha County): Samuel R Assam
- No. 1787-3 (irrigated land in Charles Mix County): Hamad Assam Corporation

The annual irrigation questionnaire for Water Right No. 1787-3 will continue to be directed to Bob Creasey until you notify us otherwise. No annual reporting is necessary for Water Right No. 1605-3 because the use of water is not for irrigation.

Enclosed are your Receipt Nos. 03088 and 03089 in the amounts of \$2.50 each. You may keep these for your records.

If I can answer any questions for you please contact me.

Sincerely,

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

enclosures



1787-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2015

NOTICE

TO: BOB CREASEY, 29408 374TH AVE, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 341-3, 385-3, 650A-3, 1251-3 & 1508-3B should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1787-3 qualification:

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

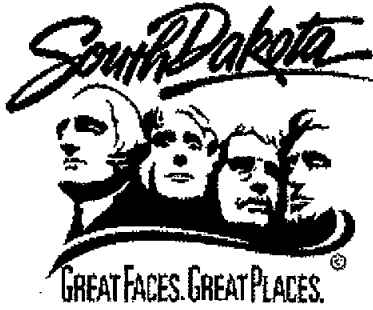
The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1787-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 341-3, 385-3, 650A-3, 1251-3 & 1508-3B to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 27, 2015

Bob Creasey
29408 374th Ave
Geddes SD 57342

RE: Water Right Nos. 341-3, 385-3, 650A-3, 1251-3, 1508-3B & 1787-3

Dear Mr. Creasey:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 341-3, 385-3, 650A-3, 1251-3, 1508-3B & 1787-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: BOB CREASEY, 29408 374TH AVE, GEDDES, SD 57342

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 341-3, 385-3, 650A-3, 1251-3 & 1508-3B should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1787-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 1787-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 341-3, 385-3, 650A-3, 1251-3 & 1508-3B to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ANOZZG**

cc: AGNES WILLIAMSON, 29408 374TH AVE, GEDDES SD 57342
SAMUEL R ASSAM, 3200 W 49TH ST, SIOUX FALLS SD 57106
JOHN C DELPH, TRUSTEE, PO BOX 2416, PONTE VEDRA BEACH, FL 32004

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 AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 27, 2025

341-3, 385-3, 650A-3
1251-3, 1508-3B, 1787-3

Bob Creasy
29408 374th Ave
Geddes SD 57342

Dear Mr. Creasy:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 341-3, 385-3, 650A-3, 1251-3, 1508-3B & 1787-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

cc: AGNES WILLIAMSON, 29408 374TH AVE, GEDDES SD 57342
SAMUEL R ASSAM, 3200 W 49TH ST, SIOUX FALLS SD 57106
JOHN C DELPH, TRUSTEE, PO BOX 2416, PONTE VEDRA BEACH, FL 32004