2090-3

1. Considered 7-17, 1974
2. Name of Applicant ELVERN VARILEK
3. Post Office Address GEDDES
4. Amount of water claimed 2.28
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION

   Acres to be irrigated 160
7. Water to be diverted and used in CHARLES MIX County about 75 IW miles _____ of GEDDES.
8. Proof of Publication Received 7-1-74

   Not Received _____
9. Application Approved _____

   Subject to _____

   Not Approved _____

   Action deferred _____
10. Remarks:

Form 2 - Application for Permit to Appropriate Water-Original (Includes Approval and Permit)

No. 20905

Map No. 1491-3 Water Division No. 3 Missouri River

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

RECEIVED
MAY 15 1974
STATE WATER RIGHTS 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 Elvern Varilek

Postoffice address Geddes, State S.D. 57342

If a corporation show date and place of incorporation

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract and Direct Labor

3. Name of diversion work Varilek #4

4. Amount of water claimed (cubic feet per second) 2.28

5. Source of water supply Missouri River

6. Location of point of diversion North 61° 05' West, 1842 feet from the W¼ Corner, Section 12, T96N, R67W

County Charles Mix

7. Annual period or periods during which water is to be used April thru October

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation

9. For irrigation use. Total number of acres to be irrigated 160

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.
W½ NW¼	80		
E½ NE¼	80		
Sec. 7, T96N, R66W			

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 County News, Geddes, SD

12. Principal Features of the Proposed Water Supply System.

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

Two centrifugal pumps with 1-100 HP and 1 - 60 HP Electric motor

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

Centrifugal pump with 100 HP Electric Motor (Booster) 2½ miles of 14",12" and 10" mainline (pumps and mainline used in connection with Water Right #201-3

C. Works proposed to apply water to beneficial use.

Towlines and gated pipe

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)
) ss.
County of Hughes)

I, Elvern Varilek 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 [signature]

Subscribed and sworn to before me this 15 day of May 1974

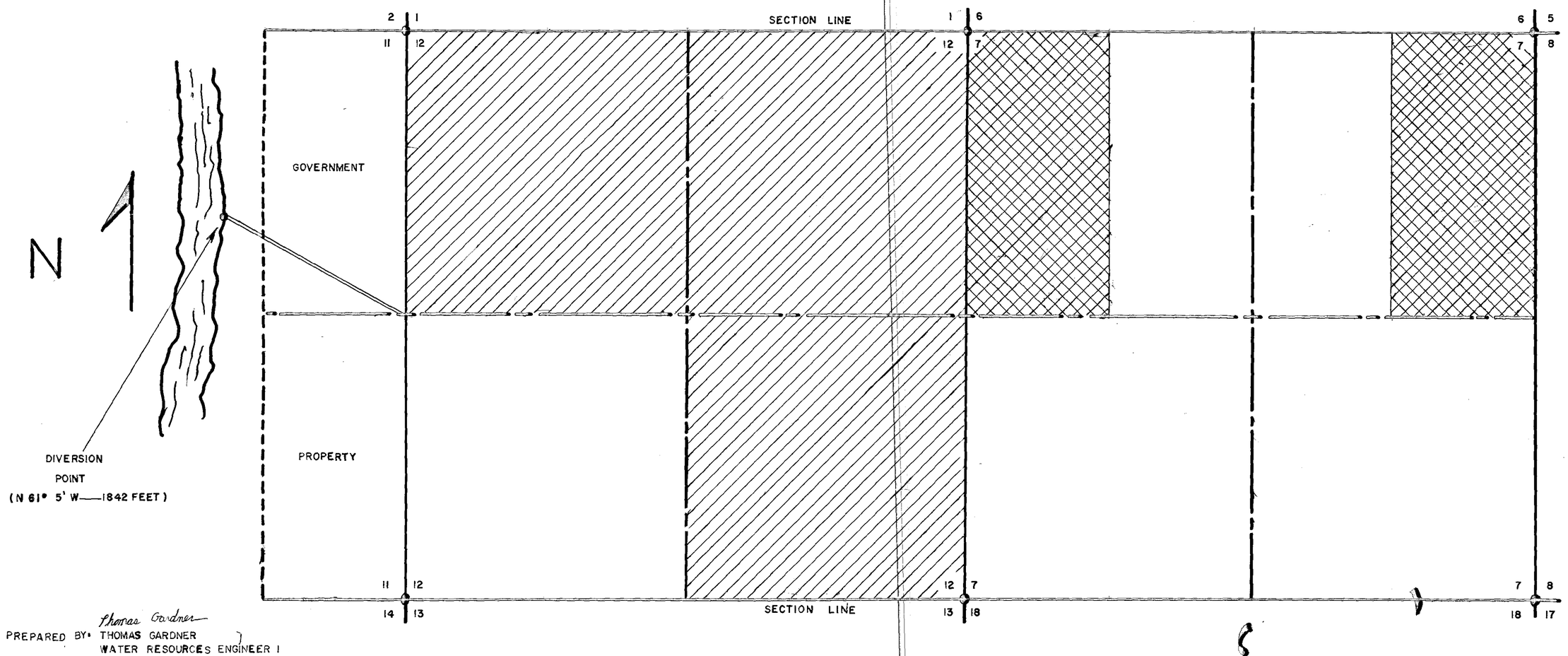
[signature]
Notary Public (or other qualified officer)

BETTY WESTLUND, Land/Water Clerk II

SCALE: 8 INCH = 1 MILE

SECTION 12, TOWNSHIP 95N, RANGE 67E — LANDS IRRIGATED

SECTION 7, TOWNSHIP 96N, RANGE 66E — LANDS TO BE IRRIGATED



PREPARED BY: Thomas Gardner
THOMAS GARDNER
WATER RESOURCES ENGINEER I

ELVERN VARILEK IRRIGATION PROJECT
CHARLES MIX COUNTY, SOUTH DAKOTA

MAP No 1491-3 APPL (No 2090-3)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2090-3

ELVERN VARILEK (Applicant) GEDDES (Post Office Address)

SOUTH DAKOTA 57342 (State) With the following modifications:

Date of first receipt of application MAY 15, 1974

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

Date of receipt of corrected application —, 19

Approved JULY 17, 1974, Recorded in Book 13 Page 32

WATER RIGHT PERMIT NO. 2090-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2090-3 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 MAY 15, 1974
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 17, 1977
3. The whole of said work is to be completed on or before JULY 17, 1979
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 17 1983
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 2.28 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 JULY 17 1983; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 19TH day of JULY 1974

WATER RIGHTS COMMISSION

By: Donald Cornell

Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19

Water License Issued —, 19

Form 6 - Notice of Int· · to Appropriate Water

2090-3

Publish first publication, on or before July 4, 19 74

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 31, 19 74

Notice is hereby given that Elvern Varilek

whose post office address is Gedden, 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 use 2.28 cubic feet of water per second of time from the Missouri River through the Varilek #4, the point of diversion of which is to be located in the

SW¼ NE¼

of Section 11, Twp. 96N, Range 67W. Said water to be used for the purpose of providing irrigation on the following described land:

E½ NW¼ and E½ NE¼, Section 7, T96N, R66W

This application No. 2090-3 will be considered by the Water ~~Resources~~ Commission at their office at Pierre upon the ~~1E~~ 17th day of July, 19 74, at 2:30 P.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
~~WATER RESOURCES COMMISSION~~

By:

BURTON F. JONES
Water Rights Specialist

BFJb/w
cc: Elvern Varilek, Gedden, S.D. 57342

Form 8 - Proof of Publi n - Notice of
Intent to Appropriate Water

No. 2090-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Charles Mix)

I, Harold J. Jaeger hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Charles Mix County News

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 of Geddes

County of Charles Mix and State of South Dakota; that the said notice was published in said newspaper on the following two dates:

June 13, 1974

June 20, 1974

Harold J. Jaeger
(Signature)

Owner and Publisher
(Title)

June 27, 1974
(Date Signed)

NOTICE INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501
May 31, 1974

Notice is hereby given that Elvern Varilek whose post office address is Geddes, 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 use 2.28 cubic feet of water per second of time from the Missouri River through the Varilek No. 4, the point of diversion of which is to be located in the SW¼ NE¼ of Section 11, Twp. 96N, Range 67W. Said water to be used for the purpose of providing irrigation on the following described land:

W½ NW¼ and E½ NE¼, Section 7, T96N, R66W

This application No. 2090-3 will be considered by the Water Rights Commission at their office at Pierre upon the 17th, day of July, 1974, at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

RECEIVED
JUL 1 1974
STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

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

April 15, 1985

Elvern & Margret Varilek
Geddes, SD 57342

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

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

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

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

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

2. Postpone any action;

3. Take no action.

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

Sincerely,

John Hatch

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

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

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Elvern & Margaret Varilek
Geddes, SD 57342

FROM: John Hatch, Chief Engineer
Water Rights Division

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

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

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

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

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

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

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

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

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

March 23, 1987

ELVERN VARILEK
GEDDES, SD 57342

NOTICE

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

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

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

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

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

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

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

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

John Hatch

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

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

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

May 4, 1987

201-3	1074-3
1404-3	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,

John Hatch

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

2090-3

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

January 29, 1988

ELVERN VARILEK
GEDDES, SD 57342

NOTICE

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

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

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

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

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

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

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

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

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division
605 773 3352

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

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	1787-3
2272-3	2089-3
2090-3	2566-3
4638-3	

Elvern Varilek
Geddes SD 57342

Dear Mr. Varilek:

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

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

Very truly yours,

John Hatch

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

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

February 9, 1990

ELVERN VARILEK
GEDDES, SD 57342

NOTICE

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

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

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

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

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

1. Suspend Permit No(s). 4638-3, 1074-3, 2272-3, 2089-3, 2090-3, 2566-3, 201-3, 1404-3, 1508-3A until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall for

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

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

February 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

South Dakota

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

GREAT FACES. GREAT PLACES

February 1, 1991

ELVERN VARILEK
GEDDES SD 57342

NOTICE

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

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

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

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

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

1. Suspend Permit No(s) 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3,2272-3,2566-3, 4638-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

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

Very truly yours,

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

South Dakota

GREAT FACES. GREAT PLACES

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

February 21, 1991

Elvern Varilek
Geddes, SD 57342

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

Dear Mr. Varilek:

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

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

GREAT FACES. GREAT PLACES.

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

January 27, 1992

ELVERN VARILEK
GEDDES SD 57342

NOTICE

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

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

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

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

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

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

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

Very truly yours,

Ron Duvall

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

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

February 10, 1992

Elvern Varilek
Geddes, SD 57342

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

Dear Mr. Varilek:

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

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

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
Water Rights Division

2090-3

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.

2090-3

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

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

2090-3

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 Questionnaire Requirements

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

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

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

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

Very truly yours,

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

2090-3

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

March 7, 1994

Elvern Varilek
Geddes, SD 57342

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

Dear Mr. Varilek:

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

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

If you have any questions, please contact me.

Sincerely,

Genny McMath

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

2090-3

GREAT FACES. GREAT PLACES.

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

2090-3

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

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

2090-3

GREAT FACES. GREAT PLACES.

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.

2090-3

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

February 10, 1997

Elvern Varilek
Box 167
Geddes, SD 57342

Dear Elvern:

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

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

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

Sincerely,

Genny

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

2090-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

GREAT FACES. GREAT PLACES.

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.

2090-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

GREAT FACES. GREAT PLACES.

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

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

2090-3

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

January 16, 2002

NOTICE

TO: MICK VARILEK, OPERATOR, 29208 374TH AVE, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 201-3, 1074-3, 1404-3, 2090-3, 2272-3 & 4638-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 201-3, 1074-3, 1404-3, 2090-3, 2272-3 & 4638-3 qualification:

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

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

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

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

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

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

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

2090-3

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

Mick Varilek
29208 374th Ave
Geddes, SD 57342

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

Dear Mr. Varilek:

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

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

If you have any questions, please contact me.

Sincerely,

Genny McMath

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

2090-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 5, 2005

Tom Varilek
29274 374th Ave
Geddes SD 57342

Dear Mr. Varilek:

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

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

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

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

If you have any questions, please contact us.

Sincerely,

Genny McMath

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
DEC - 1 2005
WATER RIGHTS PROGRAM

No. **2090-3**

Date: Nov 1-05

I/We request that Water Permit No. **2090-3**

formerly owned by: **Elvern Varilek**

be transferred to: (name & address) Michael Varilek
29208 374th Ave
Geddes, SD 57342 Telephone No. 605-337-2261

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

160 acres – W ½ NW ¼ and E ½ NE ¼ Section 7, T96N, R66W

I/We understand that the validity of Water Permit No. **2090-3** 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 Michael Varilek, the new owner, certify that the above information is true and correct.

(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 December 1, 20 05

RECEIVED OF Michael Varilek, 29208 374th Ave, Beddes SD 57342-6805

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		
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 2090-3	2	50
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. 002026

By Darland Erlich

Chief Engineer

2090-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 15, 2006

Michael Varilek
29208 374th Ave
Geddes SD 57342

RE: Water Right Nos. 201-3, 1404-3 & 1444-3 and Water Permit Nos. 2090-3 & 4638-3

Dear Mr. Varilek:

I am writing in regard to the ownership changes for water permits and/or rights once held by Elvern Varilek. The ownership changes you filed for Water Right Nos. 201-3, 1404-3 & 1444-3 and Water Permit Nos. 2090-3 & 4638-3 have been completed and are now listed in your name.

The ownership change for Water Right No. 1074-3 has not been completed yet due to the separate ownership. I am still waiting on the signed transfer form from Tom Varilek for the remainder of No. 1074-3. Also, the remaining water rights listed in Elvern's name will be transferred to Tom once he sends in the "change of ownership" forms.

Enclosed are your Receipt Nos. 002026, 002027, 002028, 002029 and 002030 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

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

enclosure

2090-3
4638-3

Permit never licensed. Permit holder did not follow up as requested.

Form 12

Permit Nos. 2090-3 & 4638-3
Missouri River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by Elvern Varilek of Geddes, SD 57342 holder of Permit Nos. 2090-3 & 4638-3, and Water License Nos. 201-3 & 1444-3 bearing the priorities of May 15, 1974; February 20, 1981; May 28, 1956; September 18, 1967 (respectively) authorizing diversions of 2.28; 0.85; 6.85; (respectively) cu. ft. per second and the storage of 35.4 acre-feet (dry draw dam) from the Missouri River for irrigation purposes, in Charles Mix County.

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

A. Works used to divert the water:

Pumps: (At the river)
1) Make Berkeley
2) Model 6NPB
3) Size 15 1/4"
4) Capacity 1800 GPM

Motors: (At the river)
1) Make Century
2) Spec No. 53136
3) Horsepower rating 100 hp

1) Make Cornell
2) Model 4HH-F18
3) Size 15 1/4
4) Capacity 1000 GPM

1) Make Lister Petter Diesel
2) Model No. 329-10221
3) Horsepower rating 100 hp

(At the dam)
1) Make PTO drive
2) Model N/A
3) Pressure 50 PSI
4) Capacity 600 GPM

1) Make farm tractor
2) Model (variable)
3) Horsepower (variable)

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

BOOSTER PUMP: (At Section 7 center pivot)

Pump:
1) Make Berkeley
2) Model B32PL
3) Serial No. 7961815
4) Capacity 450 GPM

Motor:
1) Make Century
2) Frame No. 256TCZ
3) Horsepower rating 25 hp

DISTRIBUTION LINES:

1) Type PVC	2) Size 12 inches	3) Length 3000 feet
1) Type PVC	2) Size 10 inches	3) Length 5640 feet
1) Type PVC	2) Size 08 inches	3) Length 5600 feet
1) Type ALU	2) Size 08 inches	3) Length 2600 feet

1) Type ALU 2) Size 06 inches 3) Length 1200 feet

C. Works used to apply water to beneficial use:

SYSTEM TYPES:

Center pivot:

1) Make Valley
2) Overall length 1320 feet
3) Number of towers 7
4) Distance between towers 188 feet
5) End gun Y
6) High or low pressure High
7) Capacity 350 GPM

Big Gun:

1) Make Water Winch
2) Nozzle size 1 1/2 inches
3) Capacity 500 GPM
4) Hose size 4 inches
5) Hose length 660 feet

Gravity:

1) Length 1200 feet pipe
2) Diameter 6 inches
3) Spacing of gates 30 inches

The system is in the following condition Excellent. The point of diversion is located #1 (Missouri River): 925 feet N and 1700 feet W from the E quarter corner of Section 11 T96N-R67W (SW¼ NE¼); #2 (Dam): 1320 feet E and 1400 feet N from the W quarter corner of Section 7 T96N-R66W (NE¼ NW¼). The works are capable of diverting and conveying to the place of use *7.55* cu. ft. of water per second and storing 35.4 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T96N-R67W	SECTION 12	NW¼ NW¼	34 acres
		NE¼ NW¼	34 acres
		SW¼ NW¼	34 acres
		SE¼ NW¼	34 acres
		NW¼ NE¼	34 acres
		NE¼ NE¼	34 acres
		SW¼ NE¼	34 acres
		SE¼ NE¼	34 acres
		NW¼ SE¼	40 acres
		NE¼ SE¼	40 acres
		SW¼ SE¼	35 acres
		SE¼ SE¼	8 acres
T96N-R66W	SECTION 7	NW¼ NW¼	19 acres
		NE¼ NW¼	21 acres
		SW¼ NW¼	38 acres
		NW¼ NE¼	14 acres
		NE¼ NE¼	24 acres
		SW¼ NE¼	25 acres
		SE¼ NE¼	38 acres
		NW¼ SW¼	16 acres
		NE¼ SW¼	34 acres
		SW¼ SW¼	18 acres
		SE¼ SW¼	25 acres
		NW¼ SE¼	25 acres
		SW¼ SE¼	5 acres

comprising a total of 697 acres of land and the license should be issued for *7.55* cfs and 35.4 acre-feet of storage.

**NOTE: 7.55 CFS is the maximum that Varilek's pumps can pump. 6.22 CFS is diverted from the Missouri River using 2 pumps and 1.33 CFS is diverted from the dry draw dam for a combined total of 7.55 CFS. The dry draw dam can be filled from pumping water from the Missouri River. This dam may also be used to irrigate any of the acreage in Section 7 T96N-R66W (excluding the center pivot). Water Permit No. 2090-3 and Water License Nos. 201-3 & 1444-3 will be incorporated into this Water Permit No. 4638-3 when licensed.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None Date: June 28, 1993

_____

Barry A. McLaury
Natural Resources Analyst
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NOS. 2090-3 & 4638-3

DATE: June 28, 1993

Other permit(s) associated with the project: **201-3 & 1444-3**

DIVERSION POINT LEGAL LOCATIONS: #1 (Missouri River): 925 feet N and 1700 feet W from the E quarter corner of Section 11 T96N-R67W (SW¼ NE¼); #2 (Dam): 1320 feet E and 1400 feet N from the W quarter corner of Section 7 T96N-R66W (NE¼ NW¼).

Pumps: (At the river)

1) Make **Berkeley**
2) Model **6NPB**
3) Size **15 1/4"**
4) Capacity **1800** GPM

Motors: (At the river)

1) Make **Century**
2) Spec No. **53136**
3) Horsepower rating **100** hp

1) Make **Cornell**
2) Model **4HH-F18**
3) Size **15 1/4**
4) Capacity **1000** GPM

1) Make **Lister Petter Diesel**
2) Model No. **329-10221**
3) Horsepower rating **100** hp

(At the dam)

1) Make **PTO drive**
2) Model **N/A**
3) Pressure **50** PSI
4) Capacity **600** GPM

1) Make **farm tractor**
2) Model **(variable)**
3) Horsepower **(variable)**

BOOSTER PUMP: (At Section 7 center pivot)

Pump:

1) Make **Berkeley**
2) Model **B32PL**
3) Serial No. **7961815**
4) Capacity **450** GPM

Motor:

1) Make **Century**
2) Frame No. **256TCZ**
3) Horsepower rating **25** hp

DISTRIBUTION LINES:

1) Type **PVC**	2) Size **12** inches	3) Length **3000** feet
1) Type **PVC**	2) Size **10** inches	3) Length **5640** feet
1) Type **PVC**	2) Size **08** inches	3) Length **5600** feet
1) Type **ALU**	2) Size **08** inches	3) Length **2600** feet
1) Type **ALU**	2) Size **06** inches	3) Length **1200** feet

SYSTEM TYPES:

Center pivot:

1) Make **Valley**
2) Overall length **1320** feet
3) Number of towers **7**
4) Distance between towers **188** feet
5) End gun **Y**
6) High or low pressure **High**
7) Capacity **350** GPM

Big Gun:

1) Make **Water Winch**
2) Nozzle size **1 1/2** inches
3) Capacity **500** GPM
4) Hose size **4** inches
5) Hose length **660** feet

Gravity:

1) Length **1200** feet pipe
2) Diameter **6** inches
3) Spacing of gates **30** inches

DAM INFORMATION:

1) Height to crest **26** ft
2) Height to primary spillway **22** ft
3) Height to secondary spillway **24** ft
4) Crest width **13** ft
5) Crest length **260** ft
6) Spillway length **300** ft
7) Spillway width **75** ft
8) Approx. storage **35** ac-ft
9) Approx. storage to crest **40** ac-ft
10) Date constructed: **1970**
11) Outlet tubes:
    a) diameter **36** inches
    b) type **culvert**
    c) valved **N**
    d) type **drop inlet**
12) Category of Dam **III**
13) Inspection Sheet Completed **Y**
14) Name of Contractor
    VanderPol Construction

CHEMIGATION EQUIPMENT:

1) Does chemigate **N**

PERMIT QUALIFICATIONS AND REGULATIONS:

1) Soil and water permit lands agree with lands being irrigated and lands listed on permit **Y**
2) Special qualifications to permit being abided by **Y**
3) All structures, wells and lands on map **Y**
4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **Y**

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

March 1, 1994

Elvern Varilek
Geddes, SD 57342

Dear Elvern:

Enclosed is a partially completed application form with an instruction sheet for you to complete for the irrigated acreage located in Section 7 T96N-R66W.

This application proposes to add 116 acres, add 0.76 CFS withdrawl from the dam in Section 7, and correct the location of 46 acres, all to Water Permit No. 4638-3. The correction acreage is in the NW¼ NE¼ (14 acres) and SW¼ NE¼ (25 acres) and NW¼ SW¼ (7 acres). The 116 additional acres are in the S 1/2 of Section 7 and are to be added as new acreage to the permit. Note that the total withdrawl rate from the dry draw dam is now 1.33 CFS (600 GPM).

Please fill out Nos. 4 & 9 on the application and have it signed before a Notary Public. According to South Dakota Statutes, a filing fee is required for each application (see #6 on instruction sheet). Please submit the forms, signed map, and a filing fee of $225.00 to:

Department of Environment and Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

If you have any questions pertaining to the Water Permit Application, please feel free to contact me at 773-3352 or contact me via letter using the above address.

Sincerely,

Barry A. McLaury

Barry A. McLaury
Water Rights Division
(605) 773-3352

enclosures

B.AM

FORM 2: Application for Irrigation in South Dakota
(type or print)

Mail to:	
Water Rights Division Joe Foss Building 523 E Capitol Pierre SD 57501-3181 605 773-3352	No. _____ Hydrologic Unit _____ Basin _____ Newspaper _____ (office use only)

Application For Soil/Water Compatibility Permit And Permit To Appropriate Water

Type of Application: X **New** ___ **Vested Right** X **Amendment/Correction to Permit No.** 4638-3
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)
Correct the location of 46 acres and add 116 acres.

1. Name of Applicant Elvern Varilek Phone 331-2406
(check one) ___ Owner ___ Tenant/lessee
Mailing Address Geddes State SD 57342
(Street, RR, or Box) 0.76 Add'l From Dam (City) (Zip Code)
2. Amount of water claimed 0.76 *CFS or NO Add'l From River **GPM ***AF Total Acreage 116 Add'l 46 Correction
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet – storage capacity of dam/dugout if applicable)
3. Source of water supply Missouri River
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) #1: SW4 NE4 Section 11 T96N-R67W (Missouri River); #2: NE4 NW4 Section 7 T96N-R66W (Dam).
County Charles Mix
5. County or counties where water will be used Charles Mix
6. Annual period during which water is to be used
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW4 NE4 Section 7 T96N-R66W	14	SW4 SW4 Section 7 T96N-R66W	18
SW4 NE4	25	SE4 SW4	25
NW4 SW4	16	NW4 SE4	25
NE4 SW4	34	SW4 SE4	5

8. Type of Irrigation: Gravity: X Towline: ___ Center Pivot: X Gun: X Other (Specify): ___
9. Crops to be Irrigated:
10. Give a description of the project. (Attach sheet if more space is needed)
This application proposes to correct the location of 46 acres in the NW4 NE4 (14 acres) and SW4 NE4 (25 acres) and NW4 SW4 (7 acres from the center pivot) all in section 7 T96N-R66W. The remaining 116 acres are in the S½ of section 7 T96N-R66W and are to be added as new acreage. The acreage may be irrigated directly from the Missouri River or via the dry draw dam. Maximum diversion from the dam is 600 GPM (1.33 CFS).

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach maps, soils information and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)
County of _____)ss

I, _____, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is representative of the water to be used, and that the matters stated in this application are true and correct.

Signed _____

Subscribed and sworn to before me this _____ day of _____ 19 ____

_____

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

November 29, 1994

Elvern Varilek
Geddes SD 57342

Dear Mr. Varilek:

On June 28, 1993, you were sent applications forms for a permit to appropriate water based on an inspection of Water Permit Nos. 2090-3 and 4638-3 by Barry McLaury, with this office. This inspection showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another set of partially completed application forms. Please review the application and have it signed and notarized. Return the application with any additional information requested in the first letter to you.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit Nos. 2090-3 and 4638-3 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Phone: (605) 773-3352

enclosures

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

GREAT FACES. GREAT PLACES.

July 26, 1995

Elvern Varilek
Geddes SD 57342

Dear Mr. Varilek:

On June 28, 1993 and November 29, 1994, you were sent applications forms for a permit to appropriate water based on an inspection of Water Permit Nos. 2090-3 and 4638-3 by Barry McLaury, with this office. This inspection showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another set of partially completed application forms. Please review the application and have it signed and notarized. Return the application with any additional information requested in the first letter to you.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit Nos. 2090-3 and 4638-3 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Phone: (605) 773-3352

enclosures

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 31, 1999

Elvern Varilek
Geddes SD 57342

Dear Mr. Varilek:

This letter is a reminder that we have not received the *Application for Permit to Appropriate Water Within the State of South Dakota.* In June, 1993, Barry McLaury, with this office investigated Water Permit Nos. 2090-3 and 4638-3. The inspection showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which reflects your water use. Several letters have been sent regarding this application.

Enclosed is another partially completed application and map. The application proposes to add 116 acres, add 0.76 cfs withdrawal from the dam in Section 7 and correct the location of 46 acres, all to Water Permit No. 4638-3. The correction acreage is located in the NW ¼ NE ¼ (14 acres) and SW ¼ NE ¼ (25 acres) and NW ¼ SW ¼ (7 acres) all in Sec 7-T96N-R66W. The 116 additional acres are in the S ½ Section 7-T96N-R66W and are to be added as new acreage to the permit. Note that the total withdrawal rate from the dry draw dam is now 1.33 cfs (600 gpm).

Please review the application, make any necessary corrections and have it signed and notarized. The application filing fee is $225. In addition to the application filing fee, the Water Rights Program now collects the $50 licensing fee at the time of filing (total $275).

Mr. Varilek, please take the time to complete and return the application. Obtaining a water permit that accurately reflects the your water use benefits you by protecting your right to use water.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352

enclosure

NOT TO SCALE

Sec 11-T96N-R67W

Sec 12-T96N-R67W

NW¼ NW¼ 34 Acres

NE¼ NW¼ 34 Acres

NW¼ NE¼ 34 Acres

NE¼ NE¼ 34 Acres

10" PVC

8" PVC

SW¼ NW¼ 34 Acres

SE¼ NW¼ 34 Acres

SW¼ NE¼ 34 Acres

SE¼ NE¼ 34 Acres

8" Aluminum Gated

NW¼ SE¼ 40 Acres

NE¼ SE¼ 40 Acres

SW¼ SE¼ 35 Acres

SE¼ SE¼ 8 Acres

OUT

Barry McLaury Barry H. McLaury
Natural Resources Analyst
Division of Water Rights
Date January 19, 1994

(W) Wetland
(FW) Ditched or tiled prior to 12-23-85 but still wetland
(PC) Converted Wetland prior to 12-23-85
(CW) Converted Wetland after 12-23-85
(—·—·—) Ditched prior to 12-23-85
(—•—•—) Tiled prior to 12-23-85
(——W——) Wetland in a channel

OFFICIAL WETLAND DETERMINATION FOR HIGHLIGHTED TRACTS ONLY

SCALE

6" Aluminum

232-R

(K 16)

NW¼ NW¼ 19 Acres

NE¼ NW¼ 121 Acres

NW¼ NE¼ 19 Acres

NO WETLAND INVENTORY

NE¼ NE¼ 24 Acres

Diversion Point

8" PVC to fill dam

8" PVC

SW¼ NW¼ 38 Acres

1400' N

1320' E

8" Aluminum

SW¼ NE¼ 25 Acres

SE¼ NE¼ 38 Acres

NO WETLAND INVENTORY

50.9

22.3

19.4

NW¼ SW¼ 16 Acres

NE¼ SW¼ 34 Acres

NW¼ SE¼ 25 Acres

8" Aluminum

96-66

SW¼ SW¼ 18 Acres

SE¼ SW¼ 25 Acres

SW¼ SE¼ 5 Acres

8" Aluminum

NO WETLAND INVENTORY

Sec 7-T96N-R67W

2090-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

denr.sd.gov

JUN 15 2016

201-3
2090-3
4638-3

Michael Varilek
29208 374th Ave
Geddes SD 57342

Dear Mr. Varilek:

Enclosed is Water License No. 4638-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

Upon licensing, the applicable portions of Water Right No. 201-3 and Water Permit No. 2090-3 were incorporated into No. 4638-3. As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Jeanne Goodman

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures