

Water Right Number 2272-3

1. Considered MAY 21, 1975
2. Name of Applicant ELVERN VARILEK
3. Post Office Address GEDDES
4. Amount of Water claimed 2.00
5. Source of Water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 146
7. Water to be diverted and used in CHAS MIX County
about 10.5 miles GEDDES
8. Proof of Publication Received 5-16-75
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

MOTION TO
STAY DIVERSION
DATA LIMITATION

No. 2272-3

Map No. 1663-3 Water Division No. 3 Missouri River

APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

(NOTE: Draw - must be made by applicant)

Elvern Varilek

- Name of Applicant Geddes State South Dakota
Post-office address _____
If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) _____
- Name of diversion work E. Varilek #5
- Amount of water claimed (cubic feet per second) 2.0
- Source of water supply Missouri River
- Location of point of diversion a point in the NW 1/4 SE 1/4, Section 24, T96N, R67W

- County Charles Mix
- Annual period or periods during which water is to be used April thru October
- Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
- For irrigation use: Total number of acres to be irrigated 146

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
N 1/2 SE 1/4, Sec. 24, T96N, R67W	66		
NW 1/4 SW 1/4, Sec. 19, T96N, R66W	40		
SW 1/4 NW 1/4, Sec. 19, T96N, R66W	40		

Attach sheet if more space is needed

- Time required to complete construction of water supply system 5 years. A minimum time required for complete application of water to the proposed beneficial use 4 years.
- Office of newspaper for Notice of Intent to Appropriately Water publication Charles Mix County News, Geddes, SD
- Principal Features of the Proposed Water Supply System

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

Pump - motor

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

mainline

C. Works proposed to apply water to beneficial use:

Sprinkler and/or gated pipe

Estimated Total Cost \$ _____

Attachment: 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 Charles Mix

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

Subscribed and sworn to before me this _____ day of _____ 1945

[Signature]
Notary Public (or other qualified officer)

ELVERN VARILEK

(Applicant)

GEDDES

(Post Office Address)

SOUTH DAKOTA 57342

(State)

With the following modification:

Date of first receipt of application MAY 2 19 75
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application — 19 —
 Approved MAY 22 19 75 Recorded in Book 13 Page 310

WATER RIGHT PERMIT NO. 2272-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2272-3 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 2 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 22 19 77
3. The whole of said work is to be completed on or before MAY 22 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 22 19 84
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 2.0 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 MAY 22 19 84; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 29TH day of MAY 19 75

WATER RIGHTS COMMISSION

Herb W. Braker
 Acting Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 15 19 77

Water License Issued SEPTEMBER 15 19 77

Permit No. 2272-3Water Diversion No. 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Elvern Varilek

_____ the holder _____ of
Permit No. 2272-3, issued upon Application No. 2272-3, bearing date of priority of May 2,
1975 authorizing the diversion of 2.0 cu. ft. per second of the waters of _____
the Missouri River County of Charles Mix, State of South Dakota ~~ix~~
between points 2460'W & 2000'N and 2460'N & 2000'W of the SE
corner, Section 24, T96N, R67W
_____, for irrigation

purpose 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. 2.67 cu. ft. per second of water.

Date September 15, 1977

By:

WATER RIGHTS COMMISSION


JOHN HATCHER, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2272-3

(1) WHEREAS, On the 2nd day of May A. D. 1975
Elvern Varilek

made Water Right Application No. 2272-2 for a permit to use 2.0 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 22nd day of May A. D. 1975
Permit No. 2272-3, with a date of priority of May 2, 1975

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 22nd day of May A. D. 1980 and for the
application to beneficial use of said water on or before the 22nd day of May A. D. 1982

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 2.0 cubic feet
per second of water for beneficial use and,

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

for irrigating the following land:

T96N, R66W, Section 19 NW1/4SW1/4 40 acres

SW1/4NW1/4 40 "

T96N, R67W, Section 24 NE1/4SE1/4 40 "

NW1/4SW1/4 26 "

TOTAL 146 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Elyona Varilek

_____ of Geddes

the hold _____ and owner _____ of said permit No 2272-3 a water right, dating from May 2, 1975

_____ to use of 2.0 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 hereinafter mentioned, to be diverted between points 160'W & 2000'N and 2640'N

& 2000'W of the SE corner, Section 24, T96N, R67W

and conduct to and upon _____ portions of Section 19, T96N, R66W & Section 24, T96N,

R67W, described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No 2272-3 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 H. [Signature]
Chief Engineer, Executive Officer JOHN H. [Signature]

2272-3

Publish first publication, on or before May 8, 19 75

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

May 2, 19 75

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
2.0 cubic feet of water per second of time from the Missouri River through the
Varilek #5, the point of diversion of which is to be located in the _____

NW 1/4 SE 1/4

of Section 24, Twp. 96N, Range 67W. Said water to be used for the purpose
of providing irrigation on the following described land:

N 1/2 SE 1/4, Section 24, T96N, R67W; NW 1/4 SW 1/4, SW 1/4 NW 1/4, Section 19, T96N, R66W

This application No. 2272-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 21st day of May, 19 75, at 2:30 P. .M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Elvern Varilek, Geddes, South Dakota 57342

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.

I, Harold J. Jorgensen 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:

May 8, 1975

May 15, 1975

Harold J. Jorgensen
(Signature)

Owner & Publisher
(Title)

May 15, 1975
(Date Signed)



NOTICE

INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501
May 2, 1975

Notice is hereby given that
Elvern Varilek whose post office
address is Geddes, South Dakota,
has made an application in ac-
cordance with the provisions of
the water laws of South Dakota
for a permit to appropriate for
beneficial use 2.0 cubic feet of
water per second of time from
the Missouri River through the
Varilek No. 5, the point of diver-
sion of which is to be located in
the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24,
Twp. 96N, Range 67W. Said water
to be used for the purpose of
providing irrigation on the fol-
lowing described land: N $\frac{1}{2}$ SE $\frac{1}{4}$,
Section 24, T96N, R67W; NW $\frac{1}{4}$,
SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 19,
T96N, R66W.

This application No. 2272-3 will
be considered by the Water Re-
sources Commission at their office
at Pierre upon the 21st day of
May, 1975, at 2:30 P. M. All in-
terested persons may appear and
be heard.

WATER RESOURCES
COMMISSION

By: BURTON F. JONES
Water Rights Specialist
Pub. May 8 & 15, 1975

Permit No. 2272-3

Water 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 Elvern
Varilek of Geddes, S. Dak. holder
of Permit No. 2272-3, bearing date of priority of May 2, 19 75
authorizing the diversion of 2.0 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 - Cornell - Model # 5Y B100-2, Serial # 19016
Motor - Marathon Electric, Model # 365-DDS7311 AA.
100 HP, 3560 RPM, Serial # DD-92-49-4/11-7
1200 GPM

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

Mains - Aluminium - 10" dia - 2600 ft., 8" dia. 800 ft.,
6" dia 500 ft.

C. Works used to apply water to beneficial use.

Tow lines - 5 ea., 4" dia. 1320 ft.
Rainbird sprinklers, 5/32 inch nozzles spaced 40 ft apart

The system is in the following condition: Good

The point of diversion is located Between points located 2640 ft west and 2000 ft
north and 2640 ft north and 2000 ft west of SE corner of
Section 24, T96N, R67W.

The works are capable of diverting and conveying to the place of use 2.61
cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: In section 19, T96N, R66W

NW 1/4 SW 1/4 - 40.0 Ac., SW 1/4 NW 1/4 - 40.0 Ac.; In section 24, T96N, R67W.
NE 1/4 SE 1/4 - 40 Ac., NW 1/4 SE 1/4 - 26.0 Ac.; SE 1/4 NE 1/4 - 10.0 Ac.

comprising a total of 156.0 acres of land.



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, 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
623 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.



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."



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
<u>2272-3</u>	2566-3
4638-3	

Elvern Varilek
Geddes, SD 57342

Dear Mr. Varilek:

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

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

If you have any questions, please contact us.

Very truly yours,

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

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 hearing(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."

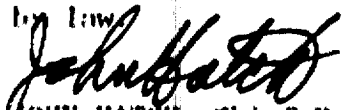
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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, Chief Engineer
 Water Rights Division
 605 773 3362

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



Department of Water & Natural Resources

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

March 9, 1988

201-3	1074-3
1415-3A	1404-3
1508-3A	1787-3
<u>2272-3</u>	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

**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.

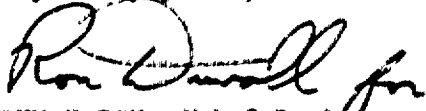
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

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,



JOHN HATCH, Chief Engineer
Water Rights Division
505 773-3352



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,

Bon Duvall, ks

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.

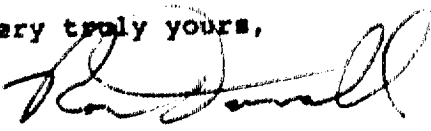
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-1-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

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



DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-5181

GREAT FACES. GREAT PLACES.

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 4639-3

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

ELVERN VARILEK
GEDDES SD 57342

NOTICE

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

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

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

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

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

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

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

Very truly yours,

Ron 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
Natural Resources Analyst
Water Rights Division



**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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 1993

Elvern & Margaret Varilek
Geddes, SD 57342

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

Dear Mr. & Mrs. Varilek:

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

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

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

2272-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

WATER RIGHTS DIVISION

605 EAST CAPTAN

LEAD, SOUTH DAKOTA 57701-1000

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 8:45 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
605 773-3352



2272-3

**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
Environmental Scientist
Water Rights Division
(605) 773-3352



2272-3

**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



2272-3

**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



**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.



**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 black ink, appearing to read 'Genny'.

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



2272-3
**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.



2272-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 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



2272-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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.

2272-3



**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

PE: 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,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

January 17, 2003

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 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1254-3, 1508-3A, 2089-3, 2272-3 & 2566-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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, 2089-3, 2272-3 & 2566-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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) 1254-3, 1508-3A, 2089-3, 2272-3 & 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 **February 28, 2003**, 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.



2272-3

**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 3, 2003

Tom Varilek
29274 374th Ave
Geddes SD 57342

RE: Water Permit/Right Nos. 1254-3, 1508-3A, 2089-3, 2272-3 and 2566-3

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Permit/Right Nos. 1254-3, 1508-3A, 2089-3, 2272-3 and 2566-3.

I completed questionnaires for you based on our February 28th 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.

If you have any questions, please contact me.

Sincerely,

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



2272-3

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: 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 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1254-3, 1508-3A, 2089-3, 2272-3 & 2566-3. 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) 1254-3, 1508-3A, 2089-3, 2272-3 & 2566-3 qualification:

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

The hearing will be held at 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) 1254-3, 1508-3A, 2089-3, 2272-3 & 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 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.



February 1, 2005

2272-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Tom Varilek
29274 374th Ave
Geddes SD 57342

Dear Mr. Varilek:

Thank you for calling concerning water rights listed in your dad's name. Enclosed as we discussed are copies of the water rights and permits.

I am also enclosing 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.

All but two of the water permits have been licensed. Water Permit Nos. 2090-3 and 4638-3 were inspected for licensing purposes back in 1993. We sent letters to Elvern requesting he file an application for another water permit to bring the system into compliance as it was developed. The application was never received and the 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.

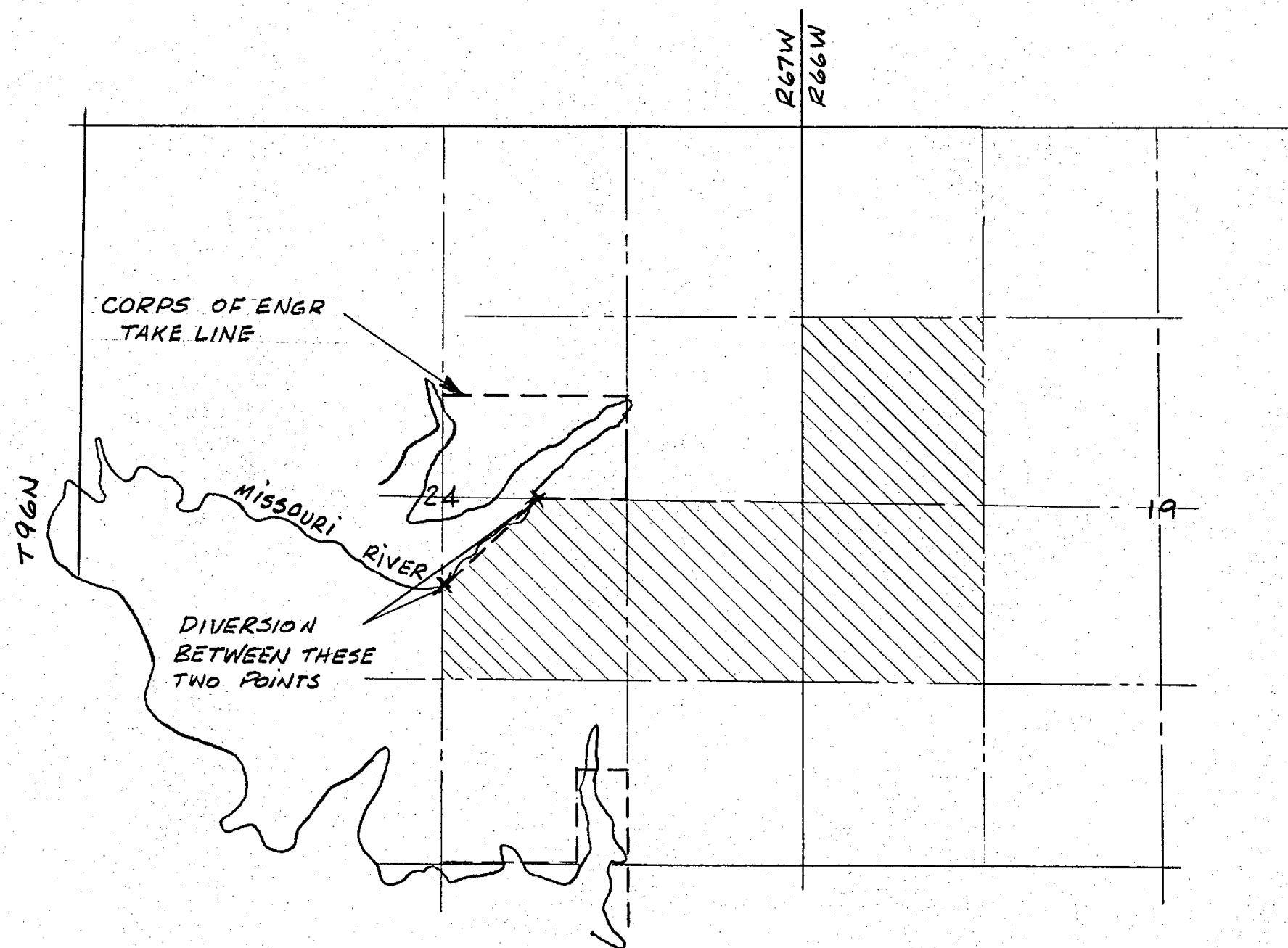
If you have any questions, please contact us.

Sincerely,

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

enclosures

ELVERN VARILEK IRRIGATION PROJECT #5



LANDS TO BE IRRIGATED

SECTION 19, T96N, R66W	SW ⁴ NW ⁴	40 AC.
	NW ⁴ SW ⁴	40 AC.
SECTION 24, T96N, R67W	SE ⁴	66 AC.

DRAWN BY: *Auston Jones*
WATER RIGHT SPECIALIST

MAP NO 1663-3 (APPL NO 2272-3)



August 5, 2005

2272-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

enclosures



2272-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 2006

Tom Varilek
29274 374th Ave
Geddes SD 57342

Dear Mr. Varilek:

I am contacting you in regard to ownership of land described in Water Right Nos. 1074-3, 1508-3A, 2089-3, 2272-3 and 2566-3. The water rights are still listed in your dad's name and need to be updated to reflect current ownership.

In the event you no longer have the original forms sent to you in February and August of 2005, I am enclosing another set. Please review the forms and complete as needed. Upon completion, please return the forms to our program with a required filing fee of \$2.50 each (total of \$12.50).

It is important that the water rights reflect proper ownership. If you have sold the land and are no longer the contact person, please let me know.

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 7, 20 06

RECEIVED OF Varilek C/T Angus, 29274 374th Ave, Geddes SD 57342

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 <u>2272-3</u>	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.

02539

By

Farland Ebele

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2272-3

Date: _____

I/We request that Water Right No. 2272-3

formerly owned by: Elvern Varilek

be transferred to: (name & address) _____

29274 374th Ave

Geddes, SD 57342 Telephone No. 605-337-2478

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

146 acres – NW ¼ SW ¼, SW ¼ NW ¼ Section 19, T96N, R66W and

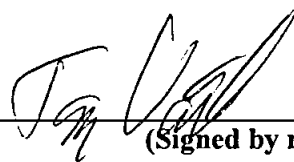
N ½ SE ¼ Section 24, T96N, R67W

I/We understand that the validity of Water Right No. 2272-3 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 Tom 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.

RECEIVED

AUG - 7 2006

WATER RIGHTS
PROGRAM



**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 18, 2008

NOTICE

TO: TOM VARILEK, 29274 374TH AVE, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 2566-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 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 11, 2008** 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) 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 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 3, 2008**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.



2272-3

**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 8, 2006

Tom Varilek
29274 374th Ave
Geddes SD 57342

Dear Mr. Varilek:

I am writing to acknowledge receipt of the ownership changes and filing fees you submitted for transferring Water Right Nos. 1074-3, 1508-3A, 2089-3, 2272-3 and 2566-3. The transfers have been completed for all except No. 1074-3. The water rights, formerly held by Elvern Varilek are now listed in your name.

With regard to Water Right No. 1074-3, since you and Michael each own a portion of the land; the water right will be divided and reissued to reflect separate ownership. The reissued licenses will be sent to you as soon as they are completed.

Enclosed are Receipt Nos. 02537, 02538, 02539 and 02540 in the amounts of \$2.50 each. The receipts are for the filing fees you paid for the ownership changes.

If you have any questions, 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

January 18, 2008

NOTICE

TO: TOM VARILEK, 29274 374TH AVE, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 2566-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 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 11, 2008** 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) 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 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 3, 2008**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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
www.state.sd.us/denr

February 20, 2008

Tom Varilek
29274 374th Ave
Geddes SD 57342

RE: Water Right Nos. 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 and 2566-3

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 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.

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

January 24, 2012

NOTICE

TO: TOM VARILEK, 29274 374TH AVE, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 2566-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 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, 2012** 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) 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 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, 2012**, 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
www.denr.sd.gov

February 1, 2012

Tom Varilek
29274 374th Ave
Geddes SD 57342

RE: Water Right Nos. 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 2566-3

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 1074B-3, 1254-3, 1508-3A, 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.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



2272-3
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 15, 2016

NOTICE

TO: TOM VARILEK, 29274 374TH AVE, GEDDES, SD 57342

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 2566-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 2566-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 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 before the **March 3, 2016** 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.



2272-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 25, 2016

Tom Varilek
29274 374th Ave
Geddes SD 57342

RE: Water Right Nos. 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 2566-3

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 1074B-3, 1254-3, 1508-3A, 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.

If you have any questions, please contact me.

Sincerely,

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



2272-3
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 25, 2019

NOTICE

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 2566-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 2566-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 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) 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 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 before the **March 6, 2019** 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
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 31, 2019

Tom Varilek
29274 374th Ave
Geddes SD 57342

RE: Water Right Nos. 1074B-3, 1254-3, 1508-3A, 2089-3, 2272-3 & 2566-3

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 1074B-3, 1254-3, 1508-3A, 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.

If you have any questions, please contact me.

Sincerely,

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