

C-1
provided
1-20-76

10-27-76

45' Deep well w/ 16" steel casing

Submersible 2" Pump

W/ Hydrology Survey Head Pump at 1760 ft

Powered by Duty Diesel Motor - 2200
Cased at 1172 ft

40' of 8" mainline CPD

Electropump CP Model E-655C

Becker 4" Pump - powered by INT 656 Diesel
Miller, Big 2200 - seen at 1172 ft
4" flexible line to pump from line

Water Right Number 2350-3

1. Considered NOV. 12, 1975
2. Name of Applicant BERNARD BERGDALE
3. Post Office Address HAWARDEN, IOWA
4. Amount of water claimed ~~2.22~~ 1.95
5. Source of water supply GROUND WATER (100' DEEP WELL)
6. Water to be used for IRRIGATION
- Acres to be irrigated ~~150~~ 138.75
7. Water to be diverted and used in UNION County
- about 6 E Miles of ALCESTER
8. Proof of Publication Received 10-10-75
- Not received
9. Application Approved
- Subject to
- Not approved
- Action deferred

10. Remarks:

No. 2350-3Map No. 1730-3 Water Division No. 3 Big Sioux River District
(Banks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

8.43

To appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Bernard Bergdale & Leslie Bergdale
 Postoffice address Hawarden, State South Dakota
 If a corporation show date and place of incorporation none
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Irrigation System
4. Amount of water claimed (cubic feet per second) 12.3 1.95
5. Source of water supply Well
6. Location of point of diversion 722 South State 1st 2 Section 21-95-48
Union County S.D. (1330' N 2650' E on SW corner)
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 138.75 150 acres
 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. |
|--------------------------|----------------|--|----------------------|
| NE 1/4 SW 1/4 | 40 | Lot 1, 40 ac. | 40 |
| NW 1/4 SE 1/4 | 40 | NW 1/4 SE 1/4 | 40 |
| SW 1/4 SE 1/4 | 40 | NE 1/4 SW 1/4, 40 ac., Lot 1, SE 1/4 | 48.75 ac. |
| Lot 1, 40 ac. | 40 | Lot 2, SE 1/4, 50.00 ac., all in Sec. | 50 |
- Attach sheet if more space is needed 21-T95, R48
10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to appropriate Water publication Alameda Union Alameda S.D.
12. Principal Features of the Proposed Water Supply System.

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

Pump

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

Pipe

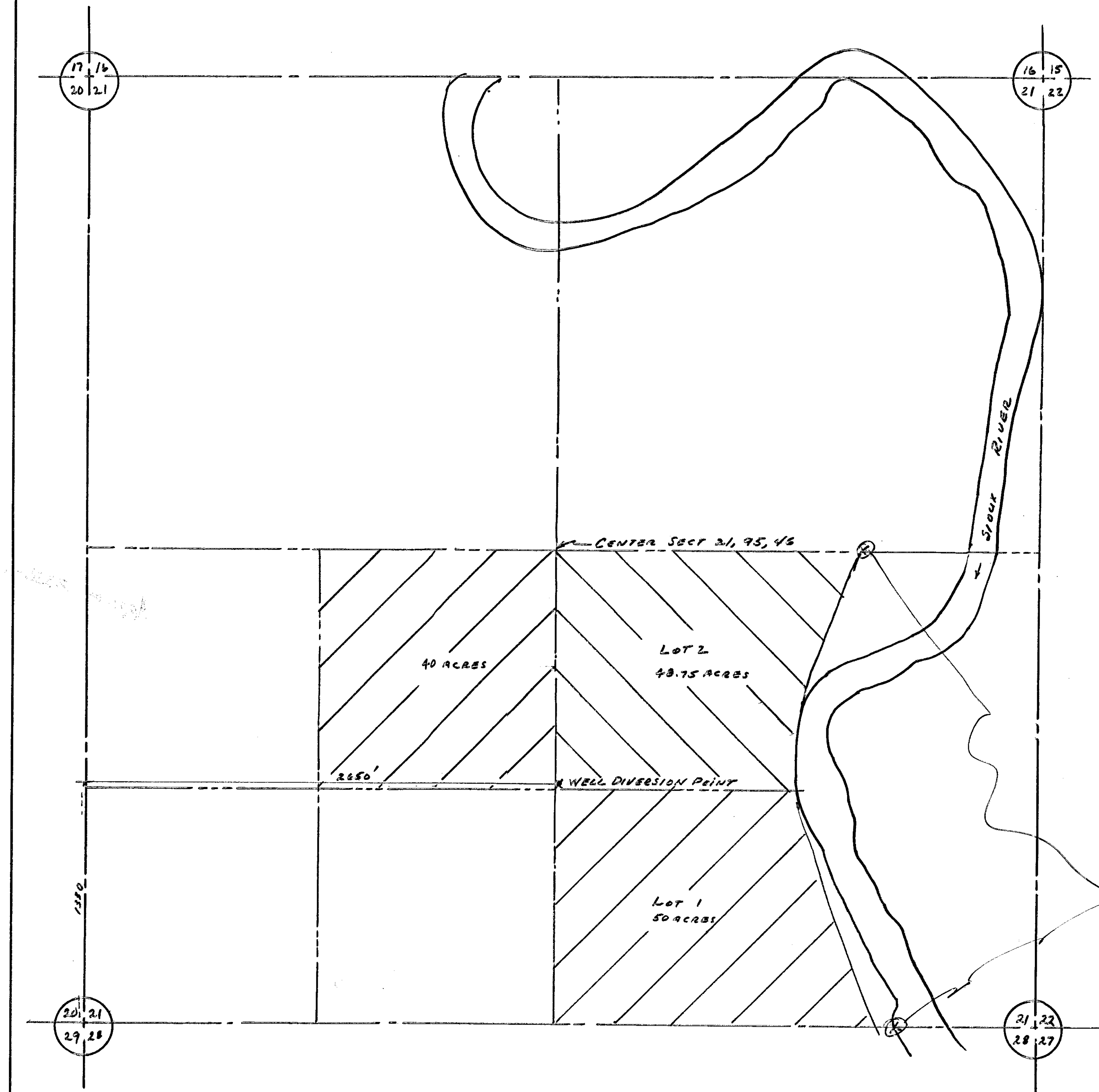
C. Works proposed to apply water to beneficial use.

Irrigation SystemEstimated Total Cost \$ 45,000.00Attachments: 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 UnionI, Bernard & Leslie Bergdale, 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 Bernard & Leslie BergdaleSubscribed and sworn to before me this 31 day of July 1975

Notary Public (or other qualified officer)



AREA BY LEGAL SUBDIVISION
 ACRES
 40.00 NE 1/4, SW 1/4 SECTION 21, T95N, R46W, STHAN
 48.75 LOT 2; SE 1/4
 50.00 LOT 1; SE 1/4
 138.75 TOTAL

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA) ss
 COUNTY OF MINNEAPPA)

I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
 IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
 CERTIFY THAT AT THE REQUEST OF BERNARD & LESLIE BERGDAL
 SOLE OWNER, I HAVE SHOWN THE LAND PRPOSED TO BE IRRIGATED
 WITHIN THEIR OWNERSHIP BOUNDARIES ON AUG 8, 1975 FOR WHICH
 APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND
 THIS MAP IS A TRUE REPRESENTATION OF THE SAME.
 WITNESS MY HAND AND SEAL THIS 8TH DAY OF AUG. 1975

Harlan W. Meyer
 REGISTERED LAND SURVEYOR #495

SCALE 1" = 400'

BETWEEN THESE
 POINTS FOR APPL NO 2765-3

BERNARD & LESLIE BERGDAL IRRIGATION PROJECT #1
 SHOWS AREA TO BE IRRIGATED & WATER DIVERSION POINT
 FOR PERMIT TO APPROPRIATE WATER

OWNER BERNARD & LESLIE BERGDAL
 SURVEYOR HARLAN W. MEYER
 AUG 8, 1975

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2350-3
BERNARD & LESLIE BERGDAL HAWARDEN
 (Applicant) (Post Office Address)
IOWA 51023 With the following modifications.
 (State)

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

Date of first receipt of application AUGUST 25, 1975
 Date of return to applicant for correction, amendments or changes required SEPTEMBER 18, 1975
 Date of receipt of corrected application SEPTEMBER 23, 1975
 Approved NOVEMBER 13, 1975, Recorded in Book 14 Page 87

WATER RIGHT PERMIT NO. 2350-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2350-3 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 AUGUST 25, 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13, 1977
3. The whole of said work is to be completed on or before NOVEMBER 13, 1978
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13, 1980
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.195 cub. ft. 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 NOVEMBER 13, 1980; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 17TH day of NOVEMBER, 1975

WATER RIGHTS COMMISSION

By:

John H. Hartzel
 Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 29, 1979

Water License Issued NOVEMBER 29, 1979

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 30", Depth 100'

(2) Casing, Type Steel Diameter 16" Thickness 1/8"
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface dimensions None, Depth None

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Sand & Gravel

Depth to top of water bearing material 14'

Depth to bottom of water bearing material 60'

Thickness of water bearing material 46'

Depth to water (ground surface to water level) 14'

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 40 rds. On property owned by others 100 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map. None

Robert Stephen Bynum
Signature of Applicant. by Robert Bynum

August 21, 1975

Bernard and Leslie Bergdale
Hawarden, Iowa 51023

Dear Sirs:

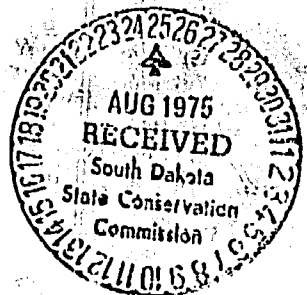
Enclosed please find the original copy of the report of analysis of the water sample submitted here a week ago. It is your copy to keep. Also, you will find enclosed a copy of extension circular 654 with the approximate quality of this water for irrigation purposes designated by an encircled red cross on the outside back cover. This is fairly good water although moderately high in total salt and should cause no chemical difficulty on the soil which you have to irrigate. The fact that there is fairly high amount of total salinity in the water means that you should irrigate in as large amounts as possible and as infrequently as possible; at the most three times a season. This will reduce or retard the tendency for this water to cause salt accumulation in the surface soil or the plant root zone.

A copy of this letter and the WI 1 form and a copy of the water analysis are being sent to the State Conservation Commission.

Sincerely yours,

L. O. Fine
L. O. Fine
Water Quality Lab

LOF:ckb
Enclosures
cc: State Conservation Commission
D. Pahl



Conservation
Commission
Form 417-1

FOR COMMISSION USE
ONLY
Irrigation sys.

Water Quality.

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE WITH SDCL 46-6-2 AS AMENDED
(This Form Required for Proposed Well Irrigation)

NAME: Bernard F. Leslie, Brookdale
ADDRESS: Harvard, So. Dak. 57023
COUNTY: Wichita

LEGAL DESCRIPTION

1. WELL LOCATION: 1600' East & 1320' North of S.W. Corner of Sec 21 T26N R48W
2. AREA TO BE IRRIGATED: 150 a.c.

TYPE OF IRRIGATION

3. GRAVITY: SPRINKLER (Indicate Type) - Pivotal
4. CROPS TO BE IRRIGATED:

Corn & Soybeans

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-2%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Medium Deep medium & moderate fine textured, well drained soils developed in deep loess on the uplands
WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-718
8. SALINITY: EC = 1348 μ mhos/cm (high)
9. SODIUM: SAR = 0.41 (low)



I do hereby certify that a chemical analysis of the ground water to be acquired for irrigation from South Dakota State University and: the land capability for irrigation has been acquired from

Soil Conservation Service, Union Co., S.D.

and:

that the legal description for the location of the well and land to be irrigated is true and correct.

Benjamin L. Lusk
By Ben L. Lusk

Subscribed and sworn before me this

11 day of aug 1977

Albert Lusk
Notary Public

(Title)



REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Bernard & Leslie Bergdale Date Rec'd August 12, 1975
Address Hawarden, Iowa 51023 Sample No. 75-718
Identification Well
SW1, Sec. 21, T 95N, R 48W

WATER ANALYSIS

Calcium (Ca)	210	ppm*	10.50	me/l**
Magnesium (Mg)	58	ppm	4.76	me/l
Sodium (Na)	26	ppm	1.12	me/l
Potassium (K)	8	ppm	0.21	me/l
Sulfate (SO ₄)	340	ppm	7.07	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)		ppm		me/l
Bicarbonate (HCO ₃)	459	ppm	7.52	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	376	ppm (as CaCO ₃)		
Alkalinity (Penolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1348	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.41			
Sodium	6.75	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.12			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 16.59 me/l
Total anions 14.73 me/l

By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-718

Amount Enclosed \$ 1

Signed _____

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2350-3

(1) WHEREAS, On the 25th day of August A. D. 19 75
Bernard & Leslie Bergdale

made Water Right Application No. 2350-3 for a permit to use 1.95 cubic feet per second of the waters of groundwater (on a well) and Sioux River

County of Union, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 13th day of November A. D. 19 75
 Permit No. 2350-3, with a date of priority of August 25, 1975 and June 14, 1976

was issued to said applicant s for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 13th day of November A. D. 19 78 and for the application to beneficial use of said water on or before the 13th day of November A. D. 19 80

WHEREAS, on October 2, 1979 Permits No. 2350-3, 2670-3 and 2765-3 in the names of Bernard and Leslie Bergdale were inspected. The applicable portions of Permits No. 2670-3 and 2765-3 have been incorporated into this Water License No. 2350-3 and Permits No. 2670-3 & 2765-3 have been placed in a cancelled status.

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 2.52 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,

To irrigate portions of the following lands, all in Section 21-T95N-R48W
acres

NE 1/4 SW 1/4 43

SE 1/4 SW 1/4 37

Lot 1 - SE 1/4 50

Lot 2 - SE 1/4 50

TOTAL 180 acres

Uses Big Gun to irrigate corners of described lands, Also pumps from river into center pivot during prolonged dry periods as well will not quite handle pivot.

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We her by grant and confirm to Bernard and Leslie Bergdale

of Hawarden, Iowa
the holder S and owner S of said permit No. 2350-3 a water right, dating from August 25, 1975
and June 14, 1976 to use of 2.52 cubic feet per second of the waters
of groundwater (one well) and Sioux River

in the County of Irion and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted from a well in center of S1, Section 21 and from
Sioux River, 1400' East of center of S1, Section 21, all in T95N, R46W

and conduct^{ed} to and upon portions of land in Section 21, T95N, R46W more fully described on
the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2350-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 29th day of November A. D.
Nineteen Hundred and Seventy-nine

Board of Water Management

By:

John Hatch
Chief Engineer **JOHN HATCH**

Permit No. 2350-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

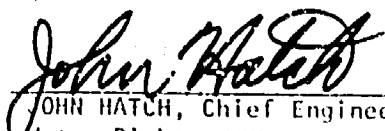
This is to Certify, That Bernard and Leslie Berydale

_____ the holder _____ of
Permit No. 2350-3, issued upon Application No. 2350-3, bearing date of priority of August 25, 1975
and June 14, 1976* authorizing the diversion of *2.52 cu. ft. per second of the waters of _____
groundwater (1 well) & Sioux River
County of Union, State of South Dakota at _____
from a well in center of S $\frac{1}{4}$, Section 21 and from Sioux River, 1400' East of
center of S $\frac{1}{4}$, Section 21, all in T95N, R48W
_____ for irrigation

purpose, have 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 2.66 cu. ft. per second of water

Date November 20, 1979

- * The applicable portions of permits
No. 2670-3 and 2765-3 have been
incorporated into this water
License No. 2350-3, and Permits
No. 2670-3 & 2765-3 have been
placed in a cancelled status.


JOHN HATCH, Chief Engineer
Water Rights, WND

Publish first publication, on or before September 20, 1975NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 25, 1975

Notice is hereby given that Bernard and Leslie Bergdale
whose post office address is Hawarden, Iowa, ~~South Dakota~~ have made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
3.23 cubic feet of water per second of time from the ground water through the
Bergdale Project #1
the point of diversion of which is to be located in the _____

Lot 2
of Section 21, Twp. 35N, Range 48W. Said water to be used for the purpose
of providing irrigation on the following described land:

NE 1/4 NW 1/4, Lots 1 and 2, Section 21, T35N, R48W

This application No. 2350-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 12th day of November, 1975, at 2:30 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFF/bw

cc: Bernard Bergdale, Hawarden, Iowa 51023

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, H. H. Heath hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Alcester Union

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 Alcester of _____

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

October 2, 1975

October 9, 1975

H. H. Heath
(Signature)

Editor
(Title)

October 9, 1975
(Date Signed)

No. 2350-3
NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501
September 25, 1975
Notice is hereby given that Bernard
and Leslie Bergdale, whose post office
address is Hawarden, Iowa, have
made an application in accordance
with the provisions of the water laws
of South Dakota for a permit to ap-
propriate for beneficial use 2.23 cubic
feet of water per second of time from
ground water through the Bergdale
Project No. 1, the point of diversion
of which is to be located in the Lot 2
of Section 21, Twp. 95N, Range 48W.
Said water to be used for the purpose
of providing irrigation on the follow-
ing described land: NE1/4 NW1/4, Lots
1 and 2, Section 21, T95N, R48W.
This application No. 2350-3 will be
considered by the Water Resources
Commission at their office at Pierre
upon the 12th day of November, 1975,
at 2:30 P.M. All interested persons
may appear and be heard.

WATER RESOURCES
COMMISSION
By: BURTON F. JONES
Water Rights Specialist
(Oct. 2-9)

RECEIVED
OCT 10 1975

STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA

Permit No. 2350-3Water Division 3 Big Sioux River Water DistrictREPORT 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 BERNARD & LESLIE BERGDALE of HAWARDEN IA holderof Permit No. 2350-3, bearing date of priority of 1.95 CFS FROM AUGUST 21, 1975
1.97 CFS FROM APRIL 1, 1976 *authorizing the diversion of _____ cu. ft. per second of the waters of GROUNDWATER & SIOUX RIVER for IRRIGATION purposes, in UNION 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:
40' DEEP WELL WITH 16" STEEL CASING - FAIRBANKS MORSE 8" PUMP
WITH HOLLOW SHAFT GEAR HEAD PATER @ 1700 RPM - POWERED BY
DEUTZ DIESEL MOTOR #2300 - RATED AT 117.5 H.P.
FROM RIVER - BERKELEY 4" PUMP - PTO - POWERED BY INTERNATIONAL
"65" DIESEL TRACTOR.B. Works used to transport water to place of use,
40' OF 8" MAINLINE TO CENTER OF PLOT PAD
1/2 MILE OF 4" LINE FROM RIVER.C. Works used to apply water to beneficial use.
ELECTROGATOR CENTER PLOT SYSTEM - MODEL Z-6E5-C
NELSEN BIG GUN - 1" NOZZLE - USED AS SOLID SET
TO IRRIGATE CORNERS.The system is in the following condition: GOODThe point of diversion is located WELL - CENTER OF S² SECTION 21, FROM RIVER - 1000' E
OF CENTER OF S² SECTION 21, T95N, R48W *The works are capable of diverting and conveying to the place of use 2.66 * 1.55 FROM WELL - 6-75-75
1.97 FROM RIVER - 6-14-76
2.52cu. ft. per second of water which is to be used for IRRIGATION
Water has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 21, T95N, R48W

NE ⁴ SW ⁴	43	ACRES
SE ⁴ SW ⁴	37	"
LOT 1-SE ⁴	50	"
LOT 2-SE ⁴	50	"

comprising a total of 180 acres of land. 2.52USES BIG GUN TO IRRIGATE CORNERS OF DESCRIBED LANDS. ALSO
PUMPS FROM RIVER INTO CENTER PLOT DURING PROLONGED DRY
PERIODS AS WELL WILL NOT QUITE HANDLE PLOT* THE APPLICABLE PORTIONS OF PERMITS NO 2670-3 AND NO 2765-3
HAVE BEEN INCORPORATED INTO THIS WATER LICENSE NO 2350-3,
AND PERMITS NO 2670-3 AND NO 2765-3 HAVE BEEN CANCELLED.Date OCTOBER 27, 1979
Horton Jones
(Signature)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7092

PIERRE, _____, 19__

RECEIVED OF Bernard Bergdale, Hawarden, IA 51023

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. <u>2350-3</u>	50	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. <u>2350-3</u>		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

99



13-120
~~13M195~~
~~12-195~~

(2-53)

(13-102)
163.8

13.0

~~(13-120)~~

2.1

143.7

~~13M195~~
13-M214

~~13-126~~

Point
this is the
place where I will
pump water
from Sevier River →

(13-75)
23.6

2.4

14.1

37.0

(13-75)

5.7

3.1

95-48

2.9

~~Map # 1730-3~~
App'l 2350-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 6, 2007

2350-3

Bernard Bergdale
PO Box 366
Alcester SD 57001-0366

Dear Mr. Bergdale:

I am contacting you in regard to your Water Right No. 2350-3. I have enclosed a copy for your review.

We were contacted earlier this year about the possible sale of a portion of this land to River Valley Farms LLC. Specifically the E ½ SW ¼ Section 21, T95N, R48W. If the land was sold, a portion of the water right should be transferred to the new owner.

Please get in touch with us concerning ownership of the land and whether or not an ownership change is needed. If the land has been sold, we will need the name and mailing address of the new owner. I am enclosing a postage paid envelope for your use in contacting us or you may call me at the number listed below.

Thank you in advance for your assistance.

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

July 19, 2007

2350-3

Bill Boyer
4162 Birch Ave
Hawarden IA 51023

Dear Mr. Boyer:

I am contacting you in regard to ownership of land described in Water Right No. 2350-3 (copy enclosed). Bernie Bergdale notified us that he sold the land to River Valley Farms LLC and requested that we contact you concerning the ownership change.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you concerning the water right or completion of the enclosed transfer form, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

AUG 13 2007

WATER RIGHTS
PROGRAM

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

No. 2350-3

Date: _____

I/We request that Water Right No. 2350-3

formerly owned by: Bernard and Leslie Bergdale

be transferred to: (name & address) Box 486 Alcester S.D. 57001
River Valley Farms

Telephone No. ~~712~~ 605-934-2370

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

180 acres – E ½ SW ¼, Lots 1 & 2 SE ¼ all in Section 21, T95N, R48W

I/We understand that the validity of Water Right No. 2350-3 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 River Valley Farms, the new owner, certify that the above information is true and correct.
By Bill Bowman

Bill Bowman
(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 8/13, 20 07

RECEIVED OF Bill Boyer 4162 Birch Ave Hawarden IA 51023

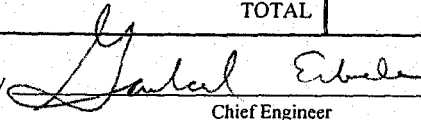
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2350-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03113

By


Chief Engineer





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 13, 2007

2350-3

Bill Boyer, President
River Valley Farms
PO Box 486
Alcester SD 57001-0486

Dear Mr. Boyer:

I am writing to acknowledge receipt of the ownership change you filed for Water Right No. 2350-3. The transfer has been completed. The water right formerly held by Bernard and Leslie Bergdale is now listed in the name of River Valley Farms.

Enclosed is your Receipt No. 03113 in the amount of \$2.50. You may keep this for your records.

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

Sincerely,

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

enclosures



2350-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 6, 2012

Dear Water Right Holder;

Due to low flows I am advising water right holders on the Big Sioux River of the possibility of shutoff orders in 2012 for the river reach from Watertown through Sioux Falls. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Big Sioux River basin remain well below the historical average. The forecast for improved conditions for the near future is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 159 stream gauging stations across the state including three gages sites on the Big Sioux River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

Thank you for your cooperation. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on August 6, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 6, 2012 regarding shut off warnings on Big Sioux River addressed as stated below:

permitno	fname	lname	addrss2	city	state	zip
1696-3	DONALD G	AHLERS	22920 SD HWY 13	FLANDREAU	SD	57028
5530-3	TERRY & DENISE	ANDERSON	47558 237TH ST 26534 N SHORE PLACE	TRENT	SD	57065
6192-3	BERNE B	BAHNSON	PO BOX 366	HARTFORD	SD	57033
3806-3	BERNARD	BERGDALE	47948 232ND ST	ALCESTER	SD	57001
1175-3	HAROLD	BOEVER	4162 BIRCH AVE	FLANDREAU	SD	57028
4895-3	BILL B	BOYER	403 16TH ST	HAWARDEN	IA	51023
284-3	LUKE	BOYER, MGR	24482 482ND AVE	HAWARDEN	IA	51023
7110-3	BRIAN	BURKHART	32650 480TH AVE	DELL RAPIDS	SD	57022
5760-3	BRIAN	CHICOINE	29509 488TH AVE	ELK POINT	SD	57025
2255-3	JAMES H	COLE	47364 GOLF VIEW DR	HUDSON	SD	57034
6124-3		DELLS ROCKY RUN GOLF COURSE		DELL RAPIDS	SD	57022
4969-3	JOHN GILMAN	FRAZIER FARMS	BOX 423	PARKSTON	SD	57366
4969-3	JOHN TROY D & SANDY F	GILMAN	4162 BIRCH	HAWARDEN	IA	51023
249-3	DARREN & ALLISON	HAHN	6762 SMITH DR	WENTWORTH	SD	57075
2065-3		HAMILTON	22615 480TH AVE	FLANDREAU	SD	57028
2952-3, 956-3	WAYNE	HEADRICK	47926 SD HWY 32	FLANDREAU	SD	57028
279-3	ROBERT	JAGER, MGR	48495 299th ST	HAWARDEN	IA	51023
1350-3, 6042-3	RAYMOND D	JENSEN	24348 478TH AVE	HAWARDEN	IA	51023
1302-3	LARRY J	JORGENSEN	24048 477TH AVE	DELL RAPIDS	SD	57022
1500-3, 213-3	TED	LACEY	24064 478TH AVE	TRENT	SD	57065
	EUGENE	MOLLET	48011 332ND ST	TRENT	SD	57065
3433-3	VIRGIL L	MOLLET JR	47991 334TH ST	JEFFERSON	SD	57038
1801-3	GAIL	MUNK	803 DAKOTA	JEFFERSON	SD	57038
113-3	PATTI	NASH	21660 469TH AVE	DELL RAPIDS	SD	57022
3914-3	OMAR F	PETTERSON	48378 276TH ST	BROOKINGS	SD	57006
2350-3		RIVER VALLEY FARMS	CANTON	SD	57013	
1801-3	HARVEY JOHN T & MELISSA R	SCHMIDT, OPERATOR	PO BOX 486	ALCESTER	SD	57001
1454-3		SCHUTTE	47528 244TH ST	DELL RAPIDS	SD	57022
5814-3	PATRICK V	WALSH, OPERATOR	47973 W 5TH ST 47844 COUNTY RD 1B	CANTON	SD	57013
597-3	DAN & JUDY	WHIPPLE WILLOW RUN MANAGEMENT COMPANY	11726 NORWAY ST NW	ELK POINT COON RAPIDS	SD MN	57025 55448
5055-3		XCEL ENERGY	8000 E HWY 42	SIoux FALLS	SD	57110
519-3A		NORTHERN STATES POWER COMPANY	7100 E RICE ST	SIoux FALLS	SD	57110
43-3, 519-3 5698-3, 6210-3	GREG ANDERSON	CITY SIoux FALLS	414 NICOLLET MALL	MINNEAPOLIS	MN	55401
			224 W 9TH ST	SIoux FALLS	SD	57102

Gail Jacobson

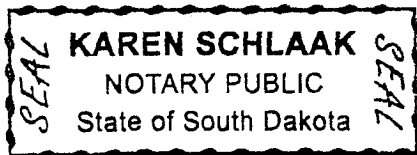
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of August, 2012.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013





2350-3
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 20, 2017

NOTICE

TO: RIVER VALLEY FARMS, BILL BOYER, PRESIDENT, PO BOX 486, ALCESTER, SD 57001
0366

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire has not been submitted for Permit No(s) 2350-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2350-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** 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

denr.sd.gov

February 6, 2017

2350-3

Bill Boyer
River Valley Farms
PO Box 486
Alcester SD 57001 0486

Dear Mr. Boyer:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 2350-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2018

2350-3

RIVER VALLEY FARMS
PO BOX 486
ALCESTER SD 57001

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear SIR,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne Goodman". The signature is fluid and cursive, with a large, prominent loop at the end.

for Jeanne Goodman, Chief Engineer
Water Rights Program



2350-3
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 26, 2018

NOTICE

TO: RIVER VALLEY FARMS, BILL BOYER, PRESIDENT, PO BOX 486, ALCESTER, SD 57001
0366

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire has not been submitted for Permit No(s) 2350-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2350-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** 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.

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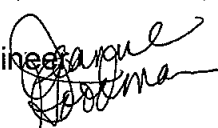
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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 8, 2018

NOTICE OF ENTRY OF ORDER TO AMEND WATER RIGHT

TO: Bill Boyer, River Valley Farms, PO Box 486, Alcester SD 57001

FROM: Jeanne Goodman, Chief Engineer 
Water Rights Program

SUBJECT: Amendment to Water Right No. 2350-3

On March 7, 2018, the Water Management Board amended Water Right No. 2350-3 to add the following qualification:

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

This action was taken for your failure to return the 2017 irrigation questionnaire. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.

KAREN SCHLAACK
NOTARY PUBLIC
State of South Dakota



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 12, 2018

2350-3

River Valley Farms
PO Box 486
Alcester SD 57001

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Sir:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure



2350-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: RIVER VALLEY FARMS, BILL BOYER, PRESIDENT, PO BOX 486, ALCESTER, SD 57001 0366

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) 2350-3. 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) 2350-3 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) 2350-3 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.

ALERT: PAYMENT TRANSACTIONS ON SOME APPLICATIONS WILL BE TEMPORARILY...

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1-29-19

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Feedback

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2350-3

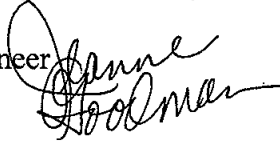
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March 7, 2019

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Bill Boyer, River Valley Farms, PO Box 486, Alcester SD 57001-0486

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 2350-3

On March 6, 2019, the Water Management Board ordered:

Effective April 6, 2019, Water Right No. 2350-3 be suspended for the 2019 irrigation season for failure to submit the 2018 irrigation questionnaire.

If the 2018 irrigation questionnaire is received prior to April 6, 2019, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2019 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2019 unless the 2018 irrigation questionnaire is submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2018 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 8-9, 2019, in Pierre, SD. The letter should include your reasons for not completing the 2018 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

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Postmark Here		
RIVER VALLEY FARMS BILL BOYER, PRESIDENT PO BOX 486 ALCESTER SD 57001 0486		
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions		

See Less ^

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Go to our FAQs section to find answers to your tracking questions.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

April 1, 2019

2350-3

Bill Boyer
River Valley Farms
PO Box 486
Alcester SD 57001

Dear Mr. Boyer:

On March 6th the Water Management Board ordered Water Right No. 2350-3 suspended if the 2018 irrigation questionnaire was not received prior to April 6, 2019. The questionnaire information for your water right has been received.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You may irrigate during the 2019 irrigation season.

If you have any questions, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Water Rights Program
(605) 773-3352



2350-3
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 23, 2020

NOTICE

TO: RIVER VALLEY FARMS, BILL BOYER, PRESIDENT, PO BOX 486, ALCESTER, SD 57001 0486

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2350-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 2350-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 2350-3 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 **February 26, 2020** 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: <https://denr.sd.gov/iq> using this password: GLLROY**

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.

2350-3

USPS Tracking®[FAQs >](#)**Track Another Package +****Tracking Number:** 70191120000129106871[Remove X](#)

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ALCESTER, SD 57001**Get Updates** **Text & Email Updates****Tracking History****Product Information****See Less** **U.S. Postal Service™
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Extra Services & Fees (check box, add fee as appropriate)

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Delivered
*1-27-2020*Postmark
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BILL BOYER, PRESIDENT
PO BOX 486
ALCESTER SD 57001 0486

PS Form 3800, April 2015 PSN 7530-02-000-9047

[See Reverse for Instructions](#)



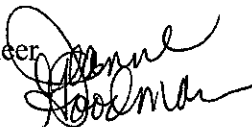
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 27, 2020

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER PERMIT

TO: Bill Boyer, President, River Valley Farms, PO Box 486, Alcester SD 57001 0486

FROM: Jeanne Goodman, Chief Engineer, Water Rights Program 

SUBJECT: One Year Suspension of Water Permit No. 2350-3

On February 26, 2020, the Water Management Board ordered:

Effective March 26, 2020, Water Permit No. 2350-3 be suspended for the 2020 irrigation season for failure to submit the 2019 irrigation questionnaire.

If the 2019 irrigation questionnaire is received prior to March 26, 2020, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2020 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2020 unless the 2019 irrigation questionnaire is submitted by March 26, 2020.

After March 26th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2019 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 6-7, 2020 in Pierre, SD. The letter should include your reasons for not completing the 2019 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on February 27, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 2020 regarding Water Management Board action taken February 26, 2020 for Irrigation Questionnaire violations addressed as stated below:

One Year Suspensions:

Water Right No. 6947-3

Joel Adler, 48353 149th St, Milbank SD 57252

Water Permit No. 7655-3

Thomas Brady, 265 Antler Dr., Yankton SD 57078

Water Right Nos. 2698-2 & 2721-2

Neil & Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065

Water Right No. 5947-3

Sean Davis, Fish Lake Country Club, 24385 393rd Ave., Letcher SD 57359

Water Permit Nos. 7008A-3 and 7009A-3

Roger D Hanson, 615 E 72nd St., Kansas City MO 64131

Water Right No. 7043-3

Corey Johannsen, 502 Main St., Tolstoy SD 57475

Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475

Water Right No. 876-1

Gene E Johnson, 19610 US Hwy 85, Belle Fourche SD 57717

Water Right No. 1213B-1

Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788

Water Right No. 410B-2

Kathi Koester, PO Box 206, Custer SD 57730-0206

Water Permit No. 8253-3

James Makens, Makens Oak Tree LLP, 42563 168th St, Clark SD 57225

Water Permit Nos. 5849-3 and 6194-3

Josh Oakley, Meadow Creek Golf Course, PO Box 511, Volga SD 57071-0511

Water Right Nos. 2521-3 and 2934-3

Henry Decker, Pembroke Hutterian Inc., 35955 139th St, Ipswich, SD 57451 7103

Water Right Nos. 5566-3 & 7615-3 and Water Permit No. 7616-3

Wayne Reiersen, 30048 Reiersen Pl., Pollock SD 57648

Water Permit No. 2350-3

Bill Boyer, President, River Valley Farms, PO Box 486, Alcester SD 57001 0486

Water Right No. 4737-3

RUS Farms Real Estate LLC, 3283 Dogwood Ave., Rock Valley IA 51247

Water Right No. 2954-3

Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Water Right Nos. 6131-3 and 6132-3

Daniel Ulmer, PO Box 433, Menno SD 57045 0433

Water Right Nos. 2631A-3 and 5451-3
Merritt Ulmer, PO Box 433, Menno SD 57045-0433
Merritt & Marie Ulmer, 1402 S Cage #217, Pharr TX 78577

Water Right No. 553-1
Richard W Kieffer, 14555 Hamlet Pl, Sturgis SD 57785

Three Year Suspensions:

Water Right No. 6168-3
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536

Water Right No. 2106-2
Stuart Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701

Amendments:

Water Right Nos. 804-2 & 995-2
Robert Berry, 23331 Hwy 14, Midland SD 57552

Water Right No. 766-2
Gene Fortune, PO Box 60, Interior SD 57750 0060

Water Right Nos. 516-1 and 715-1
Lawrence Woodward, PO Box 220, Dupree SD 57623 0220

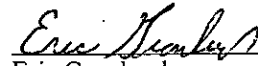
Both Suspend and Amendments

Water Right No. 960-3 and Water Permit No. 472A-3
Chad Binger, 18309 383rd Ave, Tulare SD 57476

Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3
Jonathan Wollman, Claremont Colony, 46271 184th St, Castlewood SD 57223

Water Right Nos. 3012-3 and 7323B-3
Mark Morlock, 33820 112th St., Eureka SD 57437-6005
Marvin Morlock, 11072 339th Ave, Eureka SD 57437-6003

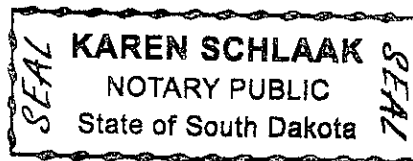
Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766


Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2020.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025



2350-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 26, 2020

2350-3

Bill Boyer
River Valley Farms
PO Box 486
Alcester SD 57001 0486

Dear Mr. Boyer:

On February 26th the Water Management Board ordered Water Right No. 2350-3 suspended if the 2019 irrigation questionnaire was not received prior to March 26, 2020. The questionnaire information for your water right has been received.

Since the irrigation questionnaire is on file, no violation has occurred, and no suspension will take place. You may irrigate during the 2020 irrigation season.

If you have any questions, please contact us.

Sincerely,

A handwritten signature in black ink, which appears to read "Genny McMath".

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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 22, 2021

NOTICE

TO: RIVER VALLEY FARMS, BILL BOYER, PRESIDENT, PO BOX 486, ALCESTER, SD 57001 0486

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2350-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 2350-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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) 2350-3 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, 2021** 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: <https://denr.sd.gov/iq> using this password: KWCQNM**

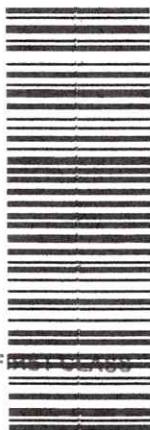
NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RETURN SERVICE REQUESTED

CERTIFIED MAIL



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ZIP 57501 \$ 004.05⁰
02 4W
0000350462 JAN 22 2021

2019 1120 0001 2910 3931

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FEB 12 2021

**WATER RIGHTS
PROGRAM**

RIVER VALLEY FARMS
BILL BOYER, PRESIDENT

1 MIXTE 553 DE 2 00002/10/22

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

[illegible]



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SOUTH DAKOTA

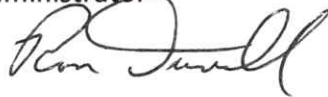
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 16, 2021

NOTICE

TO: Bill Boyer, River Valley Farms, PO Box 486, Alcester SD 57001-0486

FROM: Ron Duvall, Natural Resources Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program 

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right No. 2350-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail to our office marked "**unclaimed**". The envelope indicated the post office notified you January 25th and January 30th to pick up and sign for the certified mail prior to returning it to us on February 9th.

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

CERTIFICATION

I hereby certify that on February 16, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class postage prepaid envelope containing a "NOTICE OF UNCLAIMED CERTIFIED MAIL" dated February 16, 2021 involving 2020 Irrigation Questionnaires following water rights/permits:

Water Right No. 4472-3

Darrell Biddle, 37461 287th St., Geddes, SD 57342

Water Right No. 2350-3

Bill Boyer, River Valley Farms, PO Box 486, Alcester, SD 57001-0486

Water Right No. 5777-3

Gerald A. Person, 11288 SD Hwy 27, Britton SD 57430

Water Right No. 6666-3

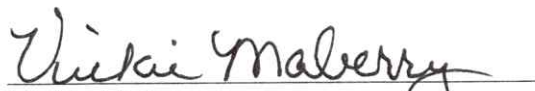
Brian Vilhauer, President, Dakota Trails Golf Course Inc., PO Box 165, Corsica SD 57328

Water Right No. 6316-3

Howard Athletic Club Inc., 508 E. Farmer Ave., Howard SD 57349-9017

Water Right No. 1703-1 & 1704-1

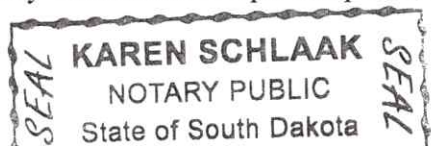
Mike & Debie Palmer, 7803 Palmer Ln., Rapid City SD 57702


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of February, 20 21.


Karen Schlaak Notary Public
My Commission expires April 1, 2025





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 4, 2021

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Bill Boyer, River View Farms, PO Box 486, Alcester SD 57001-0486

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Right No. 2350-3

On March 3, 2021, the Water Management Board ordered:

Effective April 3, 2021, Water Right No. 2350-3 be suspended for the 2021 irrigation season for failure to submit the 2020 irrigation questionnaire.

If the 2020 irrigation questionnaire is received prior to April 3, 2021, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2021 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2021 unless the 2020 irrigation questionnaire is submitted by April 3, 2021.

After April 3rd, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2020 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 5-6, 2021 in Pierre, SD. The letter should include your reasons for not completing the 2020 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

Certification

I hereby certify that on March 4, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 4, 2021 regarding Water Management Board action taken March 3, 2021 for Irrigation Questionnaire violations addressed as stated below:

Amendments:

No. 1994-3: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536
No. 4332-3: Kash Van Dyke, 22071 486th Ave, Elkton SD 57026

One Year Suspensions:

No. 515-3: Bruce D Peterson, 3600 S Slaten Park Dr, Sioux Falls SD 57103
Daniel Benson, 45586 US Hwy 18, Hurley SD 57036
No. 577-1: Max & Brenda Bowen, 17600 Kentucky Pl, Mud Butte SD 57758
No. 5524-3: Wade & Todd Druin, 30911 457th Ave, Volin SD 57072-6322
No. 1554A-1: Franklin Dyck, 313 Pierre St, Vale SD 57788
No. 1935-1: Brian Dyck, 313 Pierre St, Vale SD 57788
No. 2675-3: Beau Gregg, 22289 Mint Rd, Harrold SD 57536
Nos. 6822-3, 8070-3 & 8071-3: Roger Hansen, Hansen Properties, PO Box B, Centerville SD 57014
No. 1150-2: O M Iwan & Sons, 24912 Rocky Ford Rd, Midland SD 57552
Nos. 4678-3 & 6960-3: Craig Jepsen, Jepsen Farms, 505 Larson St SW, Hutchinson MN 55350-2108
Nos. 5566-3, 7615-3 & 7616-3: Wayne Reiersen, 30048 Reiersen Pl, Pollock SD 57648
No. 2350-3: Bill Boyer, River View Farms, PO Box 486, Alcester SD 57001-0486
No. 2497-2: Marty Vanderploeg, 22958 293rd St., Martin SD 57551

Three Year Suspensions:

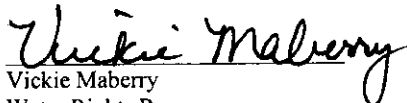
No. 4472-3: Darrel Biddle, 37461 287th St, Geddes SD 57342
No. 7970-3: David Hoops, PO Box 462, Huron SD 57350-0462

Suspend/Amend

Nos. 6565-3, 6566-3, 6817-3, 6818-3, 6819-3, 7003-3, 7383-3, 7693-3, 7994-3, 974-3 & 1813-3:
• Roger Hansen, Hansen Ventures LLC, 700 W Broadway, Centerville SD 57014

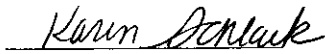
Nos. 4705-3, 7924-3, 3803-3 & 4448-3A

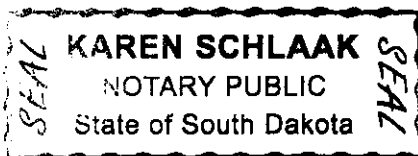
- Brandon Ritter, 30489 115th St, Mound City SD 57646
- Iverson Farms, A Ltd Partnership, 30856 119th St, Mound City SD 57646


Vickie Maberry
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of March, 2021.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 18, 2021

2350-3

Bill Boyer, President
River Valley Farms
PO Box 486
Alcester SD 57001-0486

Dear Mr. Boyer:

On March 3, 2021, the Water Management Board ordered Water Right No. 2350-3 suspended if the 2020 irrigation questionnaire was not received prior to April 3, 2021. The questionnaire information for your water right has been received.

Since the irrigation questionnaire is on file, no violation has occurred, and no suspension will take place. You may irrigate during the 2021 irrigation season.

If you have any questions, please contact us.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

2350-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: RIVER VALLEY FARMS, BILL BOYER, PRESIDENT, PO BOX 486, ALCESTER, SD 57001 0486

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2350-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 2350-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 2350-3 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 2, 2022** 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: <https://danr.sd.gov/iq> using this password: KVEAKR**

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.

2350-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 15, 2022

2350-3

Bill Boyer
4162 Birch Ave
Hawarden IA 51023

RE: River Valley Farms

Dear Mr. Boyer:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 2350-3. The information was received in our office prior to the Water Management Board meeting and has been deleted from the agenda.

In the future, the questionnaire for this water right will be directed to your Hawarden IA address instead of the Alcester SD address. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us