

2560-3

1. Considered 3.17, 1976
2. Name of Applicant DAN MERKMAN
3. Post Office Address GEDDES
4. Amount of water claimed 10.85
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 160
7. Water to be diverted and used in CHARLES MIX county
about 45 miles of GEDDES
8. Proof of Publication Received 3-15-76
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

Map No. 1931.3 Water Division No. 3 No. 2560-3 MISSOURI RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

8:14

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Don Merhew
Postoffice address RR #1 Geddes, State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & direct labor
3. Name of diversion work Merhew Pump Site
4. Amount of water claimed (cubic feet per second) 1748.85 MAX
5. Source of water supply Posee Brook - Lake Francis Case
6. Location of point of diversion NW 1/4 - 96-67

- County Charles Mix
7. Annual period or periods during which water is to be used May 20 - Sept 20
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 760

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.
<u>W 1/2 - 24 - 97 - 67</u>	<u>320</u>		
<u>N 1/2 - 23 - 97 - 67</u>	<u>320</u>		
<u>N 1/2 SE 1/4 - 23 - 97 - 67</u>	<u>80</u>		
<u>SE 1/4 SE 1/4 - 23 - 97 - 67</u>	<u>40</u>		

Attach sheet if more space is needed

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

A. Works proposed to divert water from its natural source.
Diesel or Electric motor
Centrifugal Pump

B. Works proposed to transport water to place of use.
Above ground pipe

C. Works proposed to apply water to beneficial use.
Sprinkler & Furrow

Estimated Total Cost \$ 200,000

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

STATE OF SOUTH DAKOTA

County of Charles Mix

I, Don Merhew 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

October 25

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2560-3
Dan M. Moberg (Applicant)
Heddes South Dakota (State) 57342 With the following modifications:
 (Post Office Address)

SEE ALSO # 4407-3

Date of first receipt of application OCTOBER 21, 19 75
 Date of return to applicant for correction, amendments or changes required NOVEMBER 4, 19 75
 Date of receipt of corrected application FEBRUARY 23, 19 76
 Approved MARCH 17, 19 76, Recorded in Book 14 Page 339

WATER RIGHT PERMIT NO. 2560-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2560-3 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 FEBRUARY 23, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 17, 19 78
3. The whole of said work is to be completed on or before MARCH 17, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 17, 19 85
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 10.85 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 MARCH 17, 19 85; said water to be used during the following described annual period: MAY 20 - SEPTEMBER 20

Witness my hand this 23RD day of MARCH, 19 76

WATER RIGHTS COMMISSION

By:

John H. Heston
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

2560-3

Publish first publication, on or before March 4, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 28, 1976

Dan Merkwan

Notice is hereby given that _____
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
10.85 cubic feet of water per second of time from the Missouri River through the

Workway #1

SW 1/4 NW 1/4

of Section 1, Twp. 96N, Range 67W. Said water to be used for the purpose

of providing irrigation for the following described land:
W 1/2, Section 24; N 1/2, N 1/2 SE 1/4, SE 1/4 SE 1/4, Section 23, T97N, R67W

This application No. 2560-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 17th day of March, 1976, at 1:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc:

Dan Merkwan, Geddes, S.D. 57342

R.R. #1

No. 2560.3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.

I, Harold J. Jagger 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:

March 4 - 1976

March 11 - 1976

Harold J. Jagger
(Signature)

Owner & Publisher
(Title)

March 11, 1976
(Date Signed)

NOTICE INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501
February 26, 1976

Notice is hereby given that Dan
Merkwan whose post office ad-
dress 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 1085 cubic feet of
water per second of time from
the Missouri River through the
Markwin No. 1, the point of diver-
sion of which is to be located in
the SW 1/4 NW 1/4 of Section 1,
Twp. 93N, Range 67W. Said water
to be used for the purpose of
providing irrigation on portions
of the following described land:
W 1/2, Section 24; N 1/2, NW 1/4 SE 1/4,
SE 1/4, SE 1/4, Section 23, T97N,
R67W.

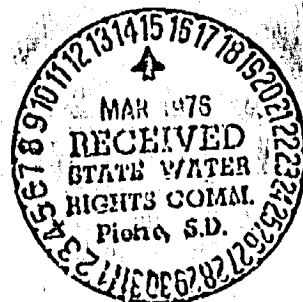
This application No. 2560-3
will be considered by the Water
Rights Commission at their of-
fice at Pierre upon the 17th day
of March, 1976, at 1:00 P.M. All
interested persons may appear
and be heard.

WATER RESOURCES
COMMISSION

By: BURTON E. JONES

Water Rights Specialist

Pub. March 4 and 11, 1976



March 19, 1980

Joe Simon called - Permit No. 4479-3 - Said
he had purchased 40 acres in NW⁴ SE⁴, Section
23-T96N-R67W. from Alfred O'Herron, Dupree.

Merkwan was leasing land, had never
irrigated this area. but it is covered under
this permit 1560-3

B Westlund

Another man bought the 80 acres (Alfred Burke) but
Merkwan was the owner. This man started anything as yet

**Department of
Water & Natural Resources**

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

February 17, 1989

Dan Merkwan
RR 1, Box 95
Geddes, SD 57342

Dear Mr. Merkwan:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

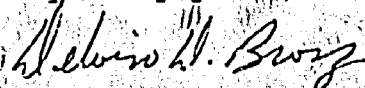


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



February 16, 1994

DAN MERKWAN
RR #1 BOX 95A
GENDES SD 57342

2560-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 2560-3 & 4407-3. The request for the Questionnaire 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 hearing to determine if any Board action is to be taken concerning the violation.

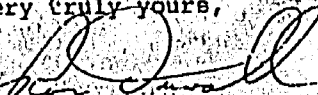
The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Pkwy, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2560-3 & 4407-3 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 on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,


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



2560-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE SOUTH DAKOTA 57501-3181

February 16, 1994

NOTICE

TO: DAN MERKMAN
RR 1, BOX 95A
GEDDES, SD 57342

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

RE: Failure to Report Chemical Use under Water Permit No(s) 2560-3

The first notice to file chemigation report(s) for Permit No(s) 2560-3 was dated October 18, 1993. Our records indicate that we have not received the 1993 chemigation report for Permits No(s) 2560-3. The Water Management Board has directed that owners of water permits who have not submitted the 1993 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 8:45 A.M. on April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 2560-3 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 April 1, 1994, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3350) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to April 1, 1994, you will no longer be in violation and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3. and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☒ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

2560-3

Dart Merkwan
RR#1 Box 95A

Geddes SD 57342

4a. Article Number

P 837 692 493

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-22-94

5. Signature (Addressee)

X D Merkwan

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 * U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



2560-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3121

February 25, 1994

Dan Merkwan
RR #1 Box 95A
Geddes, SD 57342

RE: Water Permit Nos. 2560-3 & 4407-3, Dan Merkwan
Water Permit Nos. 684-3, 1415-3B & 1415-3C, Maynard & Elinor Bridges

Dear Mr. Merkwan:

I am writing to acknowledge receipt of your 1993 Irrigation questionnaires and chemical reporting form for 2560-3. You may disregard the February 16, 1994, **Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire and the Notice of Failure to Report Chemical Use under Water Permit No. 2560-3.**

The questionnaires and chemigation form 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

Maynard & Elinor Bridges, RR #1 Box 108, Geddes, SD 57342