

2579.3

1. Considered 3-17, 1976
2. Name of Applicant VIRGIL C. RHOY
3. Post Office Address CASTLEWOOD
4. Amount of water claimed 1.95
5. Source of water supply GROUND WATER (115' WELL)
6. Water to be used for IRRIGATION
Acres to be irrigated 135
7. Water to be diverted and used in HAMLIN county
about 2E, 2 1/2 S miles of CASTLEWOOD.
8. Proof of Publication Received 3-16-76
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2579-3VIRGIL C. RHODY
(Applicant)CASTLEWOOD
(Post Office Address)SOUTH DAKOTA 57223 With the following modifications:
(State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation 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 or in irrigation wells having prior water rights.

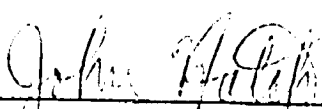
Date of first receipt of application FEBRUARY 26 19 76Date of return to applicant for correction, amendments or changes required — 19 —Date of receipt of corrected application FEBRUARY 27 19 76Approved MARCH 18 19 76, Recorded in Book 15 Page 6WATER RIGHT PERMIT NO. 2579-3The Water Rights Commission hereby grants and issues this Water Right Permit No. 2579-3 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 26 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 18 19 78
3. The whole of said work is to be completed on or before MARCH 18 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 18 19 83
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.95 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 18 19 83; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 24TH day of MARCH 19 76

WATER RIGHTS COMMISSION

By:


 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

MURON DRILLING INC. DRILLERS LOG

PAGE NO.

Virgil Rhody
JOB NAME

N.E. 7-114-51 Hamlin Co.
LOCATION

7/3/76
DATE

15
RIG NO.

Lloyd Peterson
FOREMAN Jr.

[illegible]

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(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 _____, Depth _____

F. Fill out for Either a Well or a Dugout. *log will be furnished by driller.*

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

On same owner's property *160* rds. On property owned by others *110* 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.

Angel O. Chordy
Signature of Applicant

CONSERVATION
COMMISSION
FORM W1 #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

NAME Virgil C Rhoady
ADDRESS Castlewood, S. Dakota
COUNTY Hamlin

LEGAL DESCRIPTION

1. WELL LOCATION Center of NE $\frac{1}{4}$ - S. 7 - 114 N - 51 W
2. LOCATION OF AREA TO BE IRRIGATED NE $\frac{1}{4}$ - S. 7 - 114 N - 51 W

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____
4. CROPS TO BE IRRIGATED Corn, alfalfa, small grain

WATER QUALITY

5. SAMPLE NUMBER 76-110
6. SALINITY (EC X 10⁶) 7.22 (medium-high)
7. SODIUM (SAR) 0.23 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and:
the soils information has been acquired from Hamlin Conservation District,
County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true
and correct.

Virgil C. Rhoady
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
9 DAY OF February 1966.

Donna A. Lafferty
(TITLE OR SEAL)

(SOILS INFORMATION ON REVERSE SIDE)

Alastair Lafferty
APPROVED BY

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

Submitted by: Virgil C. Moxly Date Rec'd: February 17, 1976
 Address: Castlewood, SD Sample No. 76-110
Huron Drilling, Inc. Identification 4 Well-
P.O. Box 1422 NEA, Sec. 7, T. 114N, R. 51W
Huron, SD 57350

WATER ANALYSIS

Calcium (Ca)	110	ppm*	5.50	me/l**
Magnesium (Mg)	36	ppm	2.95	me/l
Sodium (Na)	11	ppm	0.47	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	156	ppm	3.74	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	5	ppm	0.15	me/l
Bicarbonate (HCO ₃)	205	ppm	5.00	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	250	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	722	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.23			
Sodium	5.21%	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.36			
Others:				

*ppm==parts per million

**me/l==millequivalents per liter

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

COMMENTS: Total cations 9.02 me/l
 Total anions 8.39 me/l

By: Shirley Hittan

Service Performed	Amount Due
Irrigation analysis	\$8.00 PAID

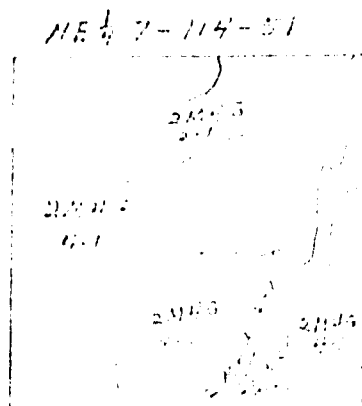
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-110

Amount Enclosed \$

Signed



Virgil C. Rhody

NE 1/4 Sec. 7-114-51

#4-3-15

- 2M4G 2-1 = I-2 Deep, loamy, well drained soils on nearly level uplands. They are fertile with few or no limitations in use. Barnes Loam 0.5 in. per hr. Intake Family
- 2M4U 2-1 = I-3 Deep, loamy, moderately well drained soils on nearly level upland slopes and swales that receive beneficial moisture from adjacent slopes. They have thick, very dark surface layers. They are fertile and have few or no limitations for use. Aastad - Silty 0.5 in. per hr. Intake Family
- 2M4G 4-1 = IIe2 Deep, loamy, well drained soils on gently undulating (2 to 6 percent) glacial uplands having moderately permeable loam and clay loam subsoils. They are fertile with moderate susceptibility to water erosion and slight wind erosion hazard. Barnes Loam 0.5 in. per hr. Intake Family
- 2M4G 8-2 = IIIe1 Deep, loamy, well drained soils on undulating and sloping (6 to 9 percent slopes) uplands and eroded soils on gently sloping and undulating slopes (2 to 6 percent). They have wind and severe water erosion hazards. Runoff limits available moisture. Mechanical, vegetative, and moisture conservation practices are necessary to maintain productivity and prevent soil loss. Barnes Loam 0.5 in. per hr. Intake Family

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2579-3

(1) WHEREAS, On the 26th day of February, A. D. 19 76
Virgil C Rhody

made Water Right Application No. 2579-3 for a permit to use 1.95 cubic feet per second of the waters
of groundwater (one well)

County of Hamlin, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 18th day of March, A. D. 19 76
Permit No. 2579-3, with a date of priority of February 26, 1976

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 18th day of March, A. D. 19 81 and for the
application to beneficial use of said water on or before the 18th day of March, A. D. 19 83

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.95 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 a 135 acre circle in the NE 1/4, Section 7, T114N, R51W

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

of Castlewood SD

the holder _____ and owner _____ of said permit No. 2570-3 a water right, dating from February 25, 1976
to use of 1.05 cubic feet per second of the waters
of groundwater (one well)

in the County of Hanlin and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 30' SW of the center of the NE 1/4, Section 7,
T114N, R51W

and conducted to and upon a 135 acre circle in the NE 1/4, Section 7, T114N, R51W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2570-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 18th day of August A. D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer, JOHN HATCH

Permit No. 2579-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

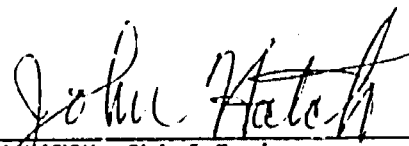
This is to Certify, That Virgil C Rhody

_____ the holder _____ of
Permit No. 2579-3, issued upon Application No. 2579-3, bearing date of priority of February 26,
1976 authorizing the diversion of 1.95 cu. ft. per second of the waters of _____
groundwater County of Hamlin, State of South Dakota at _____
a point 30' SW of the center of the NE1/4, Section 7, R114N, R51W

_____, for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water.

Date August 18, 1981



JOHN HATCH, Chief Engineer
Water Rights Division

No. 2579-3

Publish first publication, on or before March 4, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 1, 1976

Notice is hereby given, that Virgil C. Rhody
whose post office address is Castlewood, 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
1.95 cubic feet of water per second of time from the ground water through the
Rhody Unit #4, the point of diversion of which is to be located in the _____

_____ Center of the NE $\frac{1}{4}$ _____
of Section 7, Twp. 114N, Range 51W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

NE $\frac{1}{4}$, Section 7, T114N, R51W

This application No. 2579-3 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: Virgil C. Rhody, Castlewood, S.D. 57223

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 2579-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, John R Lowrie hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Watertown Public Opinion

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 Watertown

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

March 3, 1976

March 10, 1976

General Manager

(Signature)

(Title)

March 10, 1976

(Date Signed)

PUBLIC NOTICE

NO. 2579-3

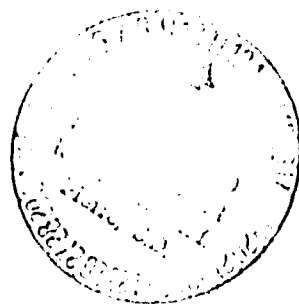
NOTICE INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501
March 1, 1976

Notice is hereby given that Virgil C. Rhody whose post office address is Castlewood, 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 1.95 cubic feet of water per second of time from ground water through the Rhody Unit No. 4, the point of diversion of which is to be located in the Center of the NE 1/4 of Section 7, Twp. 114N, Range 51W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE 1/4, Section 7, T114N, R51W.

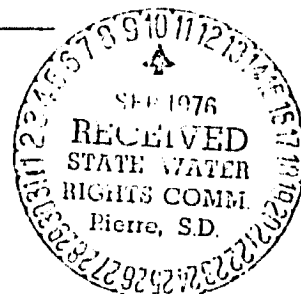
This application No. 2579-3 will be considered by the Water Rights Commission at their office at Pierre upon the 17th day of March, 1976, at 1:00 p.m. All interested persons may appear and be heard.

WATER RESOURCES
COMMISSION
BURTON F. JONES
Water Rights Specialist
(March 3, 10, 1976)



Form 10.

No. 2579-3



NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT
DIVISION OF WATER RIGHTS
JOE FOSS BUILDING
PIERRE, SOUTH DAKOTA 57501
TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Post Office Castroville, S. Dak.
Date Sept. 8, 1976

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2579-3

Water Right Permit No. 2579-3 states that the diversion system is to be constructed by March, 18, 19 81 and that the water is to be put to beneficial use by March, 18-1983 19 83.

The diversion system was completed on July, 15, 19 76. Applying the water to beneficial use was completed on July, 15, 19 76.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Virgil C. Schuy
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8419

PIERRE, August 10, 1931

RECEIVED OF Virgil C. Rhody, Castlewood, SD 57223
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. 2570-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 2570-3		
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 (A. J. Rhody)
Chief Engineer, Executive Officer
JOHN HATCH / C.E.

257713

Virgil R. Kelly

6-28-78

Well - 125 ft. deep

16" STC

15' SS Screen

Pumping 700 gpm. Capacity 2500

Motor 75 HP. 1750 RPM

46.5 ft. dia.

ID# P-XA 718-00-661 R2072932

Pump. Aurora 7.5 hp. line

No 3567 1651

10 RH M-60

C.P. Electrol. Model 2 6E3

for # 576 G 3322

C.P. Model 6.000. No. Permit

and 2578-3

NELSON # 150 END GUN

Permit No. 2579-3Water Division 3 BIG SIOUX RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD /POSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by VIRGIL C.
RHORY of CASTLEWOOD holder
of Permit No. 2579-3, bearing date of priority of FEBRUARY 26, 1976
authorizing the diversion of 1.95 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in HAMLIN 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:

125' DEEP WELL WITH 16" STEEL CASING - 15' SS SCREEN
AURORA 8" VERTI-LINE PUMP #35671651 10 RHM-6D
POWERED BY 75HP US ELECTRIC MOTOR @ 1760RPM

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

30' OF 8" ALUMINUM LINE TO CENTER OF PIVOT

C. Works used to apply water to beneficial use.

ELECTROGATOR MODEL 2665 CENTER PIVOT SYSTEM
SERIAL #571-G3322, WITH NELSON #150 END GUN (THIS
SYSTEM ALSO USED ON PERMIT NO 2578-3 - HAS TWO WELLS)

The system is in the following condition: GOOD

The point of diversion is located 30' SW OF THE CENTER OF THE
NE⁴ SECTION 7, T114N, R51W

The works are capable of diverting and conveying to the place of use 2.0 (400 GPM)
cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

FOR IRRIGATING A 135 ACRE CIRCLE IN THE
NE⁴ SECTION 7, T114N, R51W

comprising a total of 135 acres of land.

Date

JUNE 10, 1981

(Signature)

Justin Jones

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

Water Resources Engineer
605 773-3352

March 7, 1984

NOTICE

Dear Sir:

The Water Management Board has directed that all owners of Water Permits not in compliance with the requirement:

"All irrigation Permit owners.....shall submit the Irrigation Questionnaire mailed to them each year by the Chief Engineer."

be notified of this requirement.

Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

Owners of Water Permits not in compliance with the annual Irrigation Questionnaire requirement are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action April 25, 1984 including amending those permits for which the 1983 questionnaire has not been received by April 2 with the following qualification:

"This Permit amended April 25, 1984 is subject to the Irrigation Questionnaire being submitted each year."

Amendment of a Permit will mean that a Permit can be suspended for up to one year for continued violation of the Irrigation Questionnaire requirement.

The hearing before the Water Management Board April 25, 1984 will be at 10:45 am, Room 216, Joe Foss Building, Pierre SD. The amendment may be made pursuant to SDCL 46-1-14.

Enclosed is an additional questionnaire. Please advise if you have any questions, or you do not believe our records are correct.

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division

enclosure

Equal Opportunity Employer



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

March 14, 1984

2061-3

2578-3

2579-3

3888-3

4440-3

4682-3

Rhody Brothers
Rt 2, Box 117
Castlewood SD 57223

Dear Sirs:

This letter will acknowledge receipt of and thank you for the return of your 1983 Irrigation Questionnaires. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Permit No. 4682-3 and the date hearings are to be held before the Water Management Board to determine any action to be taken concerning this violation. Notice was also sent concerning possible Board action to amend Water Permit Nos. 2061-3, 2578-3, 2579-3 (Virgil Rhody), 3888-3 (V Rhody & Todd Woertink), and 4440-3 (Rhody Brothers) if the questionnaires were not submitted. Our records now show that you have returned these 1983 Irrigation Questionnaires and are no longer in violation.

Please disregard the notices sent to you dated March 7, 1984. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:GM:ks

Equal Opportunity Employer

#2578-3
#2579-3

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

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

February 17, 1989

Virgil C. Rhody
RR 2, Box 117
Castlewood, Sd 57223

Dear Mr. Rhody:

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;

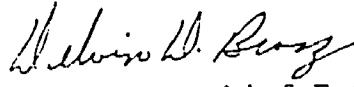


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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,

for 
JOHN HATCH, Chief Engineer
Water Rights Division



2579-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

VIRGIL C RHODY
RR #2 BOX 117
CASTLEWOOD SD 57223

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) 2578-3 & 2579-3. 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 Mixers Ave, 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) 2578-3 & 2579-3 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

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:

VIRGIL C RHODY
RR #2 BOX 117
CASTLEWOOD SD 57223

257-30

Article Number

837692558

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-17-94

5. Signature (Addressee)

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

6. Signature (Agent)

RR #2 Box 116
Castlewood SD 57223

PS Form 3811, December 1991 • U.S.G.P.O. : 1992-207-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



2579-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 1994

Virgil Rhody
Rhody Brothers
RR #2 Box 117
Castlewood, SD 57223

RE: Irrigation Questionnaires for Water Permit Nos. 2578-3, 2579-3, 3388-3, 4440-3 and 4682-3

Dear Mr. Rhody:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, Notice of Violation of Water Permits and the 1993 Irrigation Questionnaire Requirements.

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

If you have any questions, please contact me.

Sincerely,

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



2579-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 30, 1999

Clarice Rhody
RR 2 Box 117
Castlewood, SD 57223

RE: Water Right Nos. 2061-3, 2578-3, 2579-3, 4440-3 & 4682-3

Dear Mrs. Rhody:

Thank you for sending in your 1999 irrigation questionnaires. In response to your questions on how to transfer the water rights, I am enclosing partially completed "Notice of Transfer of Ownership" forms for use filing ownership changes.

You are correct about Water Right No. 2579-3 needing to be transferred to your name. Please review the enclosed form pertaining to No. 2579-3 and complete as needed. The form will need to be signed in the presence of a notary public and returned to our office with a required filing fee of \$2.50. The check or money order can be made payable to the "Water Rights Program."

The remaining water rights will need to be transferred after the land is sold on December 4th. The process is the same for transferring the water rights to new owners. They will need to complete the transfer of ownership form and return it along with a filing fee of \$2.50 (for each water right). You can go ahead and give the forms to the new owner(s) once the land is sold. They are responsible for signing the forms and following up on the transfers.

Thank you for getting in touch with me regarding the ownership changes. If I can answer any questions for you about the water rights or completion of the transfer forms, please let me know.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 2579-3

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

Date: 12-1-99

I/We request that Water Right No. 2579-3

formerly owned by: Virgil C Rhody

be transferred to: (name & address)

Glance L Rhody 112 5th Ave S

Sioux Falls SD 57103

Telephone No. 605 793 8464

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

135 acres in the NE 1/4 Section 7, T114N, R51W

I/We understand that the validity of Water Right No. 2579-3 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.

STATE OF SOUTH DAKOTA)

County of _____)

I/We _____ being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Glance L Rhody
(Signed)



Subscribed and sworn to before me this 1st day of December, 19 99.

Dennis D. [Signature]
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

NE 416288

Pierre, December 9, 19 99

RECEIVED OF Clarice Rhody, 502 - 4th ave. S, Castlewood, SD 57223
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right NO. 2579-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

John A. Hester
Civil Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 1999

2579-3

Clarice Rhody
RR 2 Box 117
Castlewood, SD 57223

Dear Mrs. Rhody:

Thank you for sending in the ownership change for Water Right No. 2579-3. The transfer has been completed and the water right is now listed in your name.

Enclosed is your Receipt No. 2579-3 in the amount of \$2.50. I am also including a copy of the transfer form you filed. You may keep both of these for your records.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures



2579-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: CLARICE L RHODY, 502 4TH AVE S, CASTLEWOOD, SD 57223

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 2579-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 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) 2579-3 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 March 8, 2002, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

2579-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) _____	
		B. Date of Delivery 1-18-02	
1. Article Addressed to: CLARICE L RHODY 502 4TH AVE S CASTLEWOOD SD 57223		C. Signature  ☐ Agent ☐ Addressee	
		D. Is delivery address different from item 1? ☒ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article 7001 2510 0004 4797 4838			

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 15, 2002

2579-3

Clarice Rhody
502 4th Ave S
Castlewood, SD 57223

Dear Ms. Rhody:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 2579-3.

I completed a questionnaire for you based on our February 15th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 5, 2002

2579-3

Clarice Rhody
502 4th Ave S
Castlewood SD 57223

Dear Ms. Rhody:

Thank you for calling about the pending ownership change of Water Right No. 2579-3.

Enclosed is a partially completed Notice of Transfer of Ownership form for use in filing the ownership change. Once the land is sold, the new owner needs to complete the form and have it signed in the presence of a notary public. A \$2.50 filing fee is required for filing the transfer and should be included when returning the form to our office. The check or money order for the fee can be made payable to the Water Rights Program.

As you requested, I have included an additional copy of the form. If you have any questions or need copies of the water right, please get in touch with me.

Sincerely,

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

enclosures

2002 Water Management Board Irrigation Questionnaire

Please fill out and return before December 2, 2002

No. 2579-3

CLARICE L RHODY
502 4TH AVE S
CASTLEWOOD SD 57223

Claremont Colony
Castlewood SD
57227

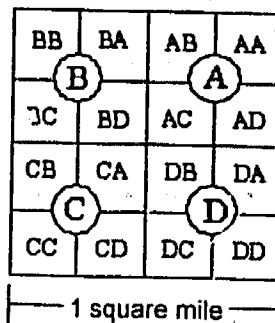
Any address corrections?

Telephone No. _____

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352 or send your form(s) electronically over the internet at <http://www.state.sd.us/eforms/secure/eforms/E0455V1-IQ.pdf>

1. Is the system constructed? *yes _____ no _____
*Type of system used (check all that apply):
center pivots _____ towlines _____ big gun _____
flood _____ sprinklers _____ other _____
2. Did you irrigate in 2002? *yes _____ **no _____
*If yes, number of acres irrigated _____
**If no, list reason(s) in comment box and answer No. 3:
3. Is the land enrolled in CRP? *yes _____ no _____
*If yes, through what year? _____
4. Did you apply chemicals or fertilizer through the system in 2002? yes _____ no _____
5. If permitted for more than one water source, circle each source used. A. GROUNDWATER
B. _____
C. _____

Comment Box



Office use only

RECEIVED
NOV 04 2002
WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 2579-3 (see above section map for help reading legal descriptions)

sec 07-T114N-R51W, A -- 135.0 acres

This was farmed by
Claremont Colony, Castlewood &
Not irrigated I sold to them &
they are irrigating now. Send all to
them
Clarice Rhody

Please provide your 2002 water use to irrigate the above acreage on the REVERSE side of this form.
For a sample completed questionnaire, please refer to the reverse side of your cover letter.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 5, 2002

2579-3

Jonathon Wollman
Claremont Colony
46271 184th St
Castlewood SD 57223

I am writing in regard to ownership of land described in Water Right No. 2579-3. You confirmed during our phone conversation that the colony purchased the land from Clarice Rhody. Enclosed is a copy of the water right for your records.

Also enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change with the water right. Please complete and sign the form as needed. Upon completion, please return the form 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.

I have included the 2002 irrigation questionnaire pertaining to irrigation done this season. Please complete the form and return to us by December 2, 2002.

If I can answer any questions for you, please give me a call.

Sincerely,

Genny McMath

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

NOV 26 2002

WATER RIGHTS
PROGRAM

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

No. 2579-3

Date: 11/25/02

I/We request that Water Right No. 2579-3

formerly owned by: Clarice L Rhody

be transferred to: (name & address) Clement Hutterian Brothers Inc,
46271 184th St, Castlewood S.D. 57223
Telephone No. 605 793 8112

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

135 acres in the NE 1/4 Section 7, T114N, R51W

I/We understand that the validity of Water Right No. 2579-3 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 Clement Hutterian Brothers Inc the new owner, certify that the above information is true and correct.
46271 - 184th St.
Castlewood, S.D. 57223

Jennifer McCombs
(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 November 26, 20 02

RECEIVED OF Claremont Hutterian Brethren Inc., 46271 184th St., Castlewood sd 57223-5327

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2579-3</u>		2 50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

000236

By

Darwin D. Eide
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 26, 2002

2579-3

Jonathon Wollman
Claremont Colony
46271 184th St
Castlewood SD 57223-5332

I am writing to acknowledge receipt of your 2002 irrigation questionnaires and the transfer of ownership form and filing fee for Water Right No. 2579-3. The transfer has been completed. The water right, formerly held by Clarice Rhody, is now listed in the name of Claremont Hutterian Brethern, Inc.

Enclosed is your Receipt No. 000386 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this receipt for your records.

If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosures

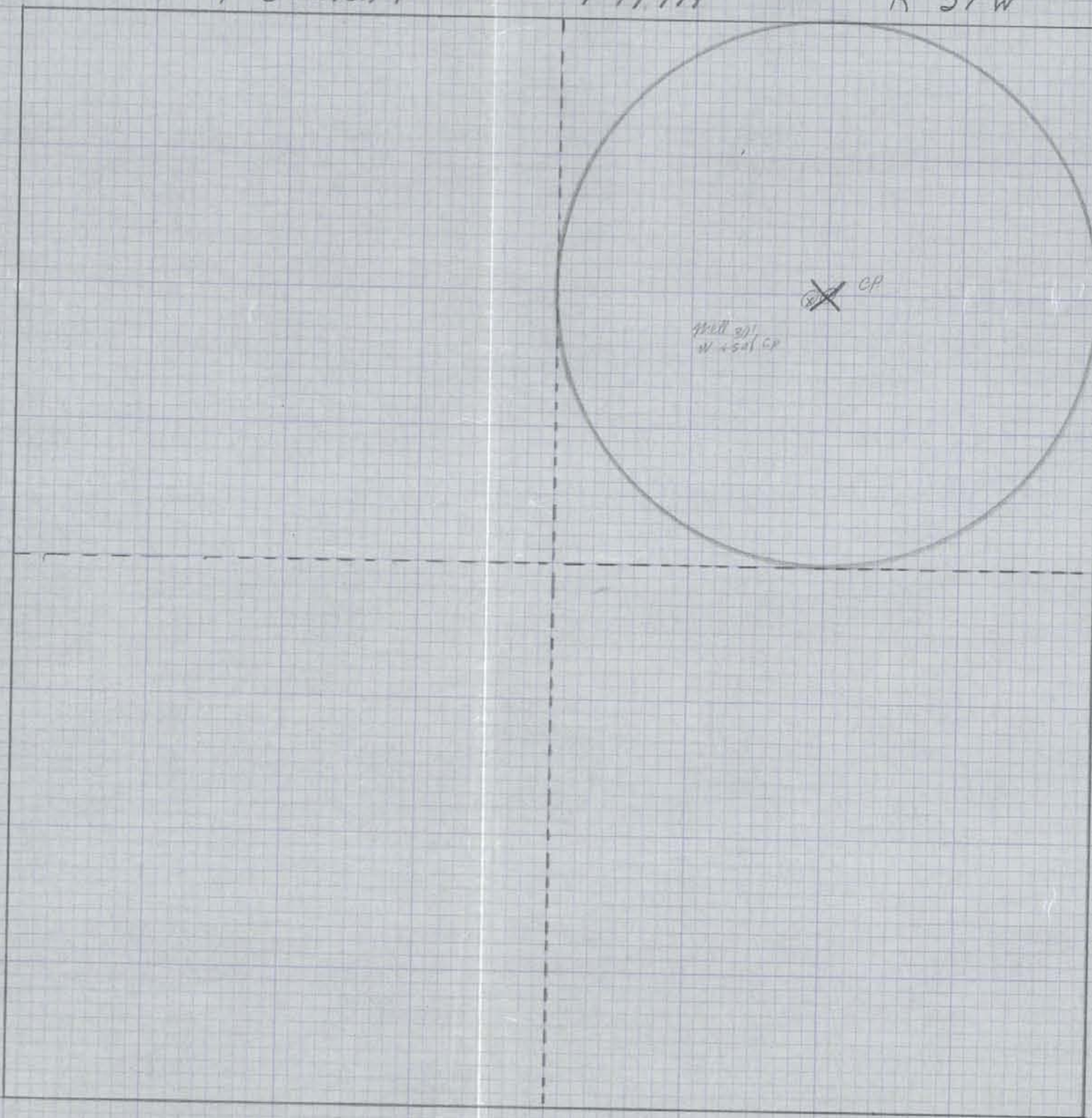
Prepared by Dick Fadgen, Beadle Co., Extension Agent
Dick Fadgen

Virgil C. Rhody, Unit No. 4

N.E. $\frac{1}{4}$ Section 7

T-114N

R-51W



X-Proposed Well Location

Return to Maps
Cabinet



2579-3
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 24, 2012

NOTICE

TO: CLAREMONT COLONY, JONATHAN WOLLMAN, 46271 184th ST, CASTLEWOOD, SD 57223

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2579-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4353-3, 5774-3, 6424-3, 6606-3, 6870-3 & 7193-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4353-3, 5774-3, 6424-3, 6606-3, 6870-3 & 7193-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2579-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:
<http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 2012

Jonathan Wollman
Claremont Colony
46271 184th St
Castlewood SD 57223

RE: Water Permit or Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3 & 7193-3

Dear Mr. Wollman:

I am writing to acknowledge receipt of the 2011 irrigation questionnaires for Claremont Colony.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3 and 7193-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



2579-3
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: CLAREMONT COLONY, JONATHAN WOLLMAN, 46271 184th ST, CASTLEWOOD, SD 57223

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2579-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3 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) 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2579-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office 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 questionnaires 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: MVHIMM**

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.

2579-3

USPS Tracking®

FAQs >

Track Another Package +

Tracking Number: 70191120000129107557

Remove X

Your item was delivered to an individual at the address at 12:33 pm on January 24, 2020 in CASTLEWOOD, SD 57223.

 **Delivered**

January 24, 2020 at 12:33 pm
Delivered, Left with Individual
CASTLEWOOD, SD 57223

Get Updates ▾

Text & Email Updates

Tracking History

Product Information ▾

7019 1120 0001 2910 7557

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Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Delivered
1-24-2020

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Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

Pr
CLAREMONT COLONY
JONATHAN WOLLMAN
46271 184th ST
CASTLEWOOD SD 57223

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Feedback

See Less ^



2579-3

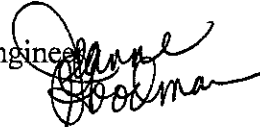
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2020

NOTICE OF ENTRY OF ORDER
FOR AMENDMENT AND ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Jonathan Wollman, Claremont Colony, 46271 184th St, Castlewood SD 57223

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Amendment of Water Right No. 2579-3 and One Year Suspension of Water Right Nos. 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3

On February 26, 2020, the Water Management Board took the following actions on Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3

The Board amended Water Right No. 2579-3 to add the following qualification effective immediately:

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

The Board also ordered:

Effective March 26, 2020, Water Right Nos. 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3 be suspended for the 2020 irrigation season for failure to submit the 2019 irrigation questionnaires.

If the 2019 irrigation questionnaires are received prior to March 26, 2020, the suspensions 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 questionnaires are submitted by March 26th.

After March 26th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2019 irrigation questionnaires 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 questionnaires. 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.

2579-3

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

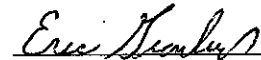
Both Suspend and Amendments

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

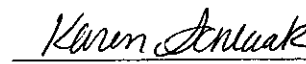
Water Right Nos. 3012-3 and 7323B-3
Mark Morlock, 33820 112th St., Eureka SD 57437-6005
Marvin Morlock, 11072 339th Ave, Eureka SD 57437-6003

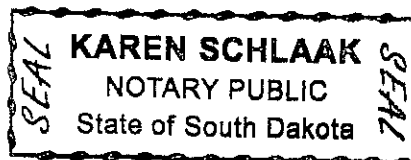
Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766


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



2579-3



**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: CLAREMONT COLONY, JONATHAN WOLLMAN, 46271 184th ST, CASTLEWOOD, SD 57223

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) 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3. 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) 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3 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) 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3 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: NNMIGU**

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.

2579-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 1, 2022

Jacob Wollman
Claremont Colony
46271 184th St
Castlewood SD 57223

RE: Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3, 7491-3

Dear Mr. Wollman:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3. 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
Genny.mcmath@state.sd.us