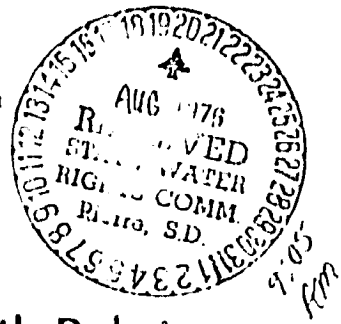


Water Right Number 3004-3

1. Considered 9-29, 19 76
2. Name of Applicant AUBERT SOUKOP
3. Post Office Address WAGNER
4. Amount of water claimed 3.20
5. Source of water supply CHOTEAU CREEK (BACK-UP FROM MO RIVER)
6. Water to be used for IRRIGATION  
Acres to be irrigated 225
7. Water to be diverted and used in CHAS MIX County  
about 1/2, 1/2 Miles of SPRINGFIELD
8. Proof of Publication  
Received 9-28-76  
Not received \_\_\_\_\_
9. Application  
Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not approved \_\_\_\_\_  
Action deferred \_\_\_\_\_
10. Remarks:

No. 3004-3  
 Map No. 2331-3 Water Division No. 3 MISSOURI RIVER District  
 (Blank to be Filled by the Engineer for the W. R. C.)



## APPLICATION FOR PERMIT

### To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant: Albert Soukup  
 Post-office address: Wagner, State: South Dakota 57380  
 If a corporation show date and place of incorporation: \_\_\_\_\_  
 2. Method of accomplishing work (contract, employment of others, or by direct labor): Employment of others  
 3. Name of diversion work: Soukup #1, Soukup #2 & Soukup #3  
 4. Amount of water claimed (cubic feet per second): 3.2  
 5. Source of water supply: Choteau Creek  
 6. Location of point of diversion: #1 NE 1/4 SW 1/4 22; #2 NW 1/4 NE 1/4 23 and #3 lot 2 Sec. 14-93-62

- County: Charles Mix  
 7. Annual period or periods during which water is to be used: June, July, Aug., Sept. & Oct.  
 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: 225

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 22-93-62	225		
W 1/2 NW 1/4 & NW 1/4 NE 1/4 23-93-62			
Yankton Sioux lot 1094, 1076 & Lot 2 of 14-93-62			

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: 5 years.  
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication: Wagner Post  
 12. Principal Features of the Proposed Water Supply System: DAILY REPUBLIC, MICHELL

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

Centrifugal pump

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

Aluminum Pipe

C. Works proposed to apply water to beneficial use.

Sprinkler

Estimated Total Cost \$ 90,000

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, Albert Soukup 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

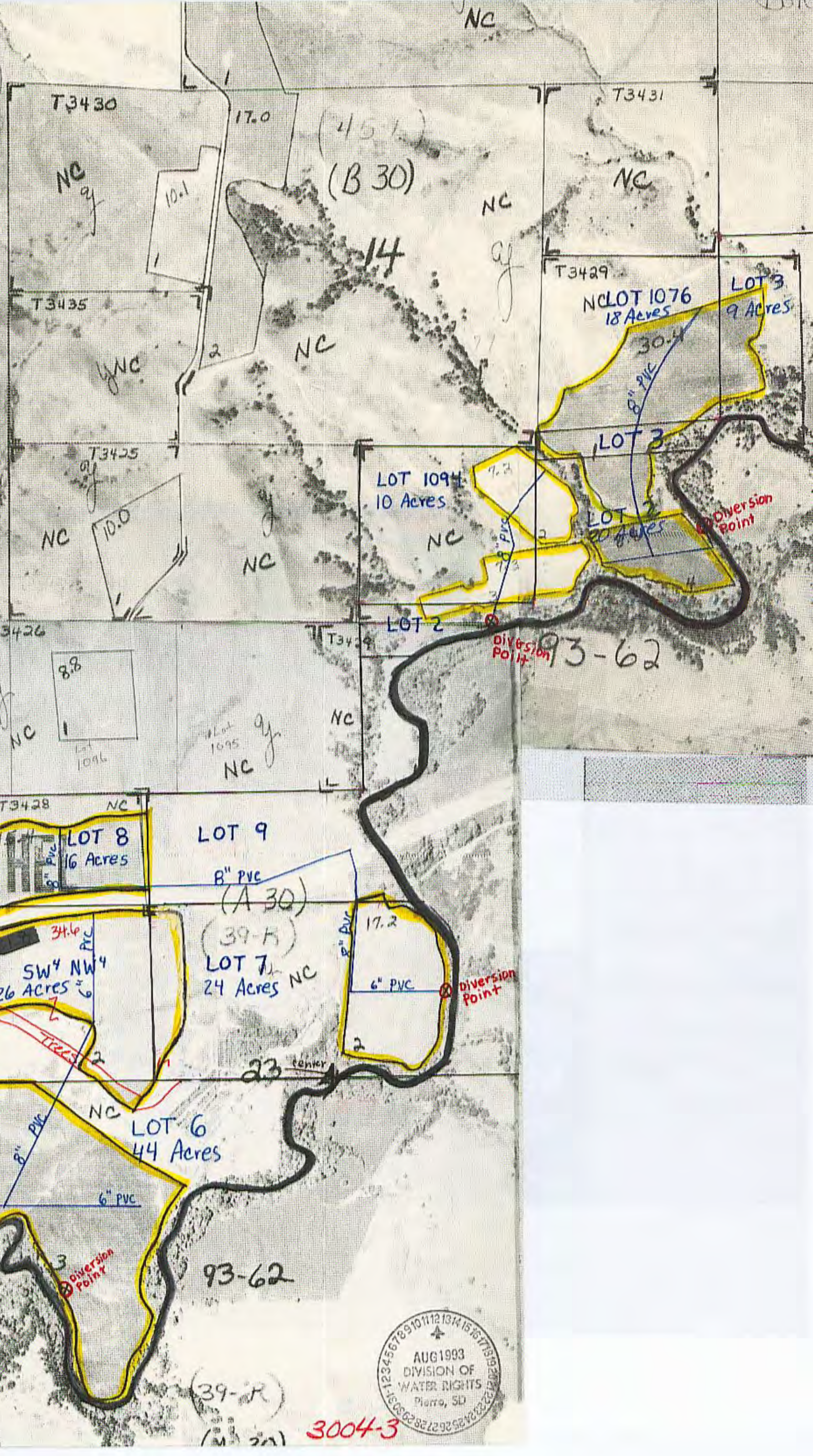
Signed Albert Soukup

Subscribed and sworn to before me this 19 day of August 1976

[Signature]  
 Notary Public (or other qualified officer)

AUG 1993  
DIVISION OF  
WATER RIGHTS  
PIERRE, SD

NOT TO SCALE



Barry McLaury *Barry McLaury*  
Environmental Scientist  
Division of Water Rights  
Date 4-8-94

AUG 1993  
DIVISION OF  
WATER RIGHTS  
PIERRE, SD

3004-3

300  
CRP 49  
99-98  
36.9  
93-62



Township N<sup>o</sup> 93 North Range N<sup>o</sup> 62 West of the 5th. Principal Meridian, South Dakota

949408 "E" JAD, October 13, 1920

Survey accepted G.L.O.  
January 30, 1921.

Supplemental plat of Section 22

g

H

h

I

i

K

k

L

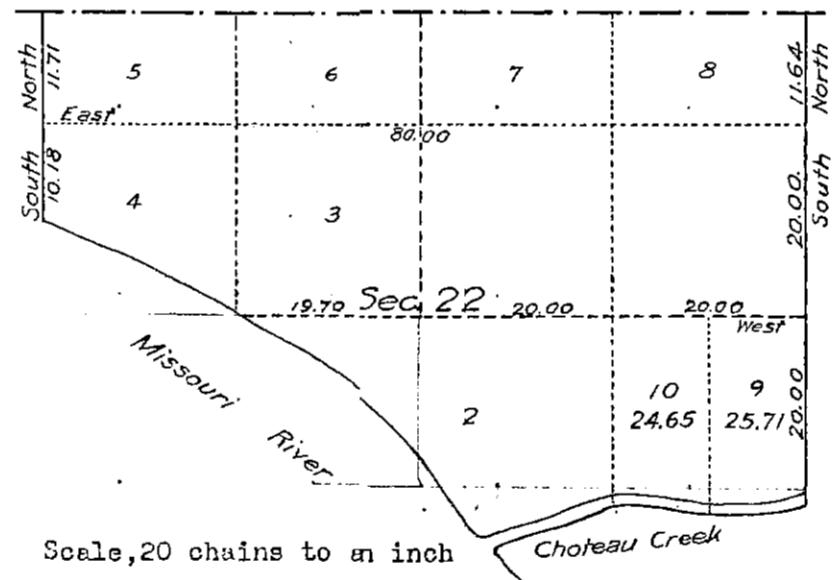
l

M

m

N

NOTE: The preparation of this plat, showing the subdivision of former Lot 1 of plat approved October 29, 1875, was directed by the Commissioner of the General Land Office in order to accommodate the sale of Yankton Indian Reservation Lands.



y

Y

x

X

w

W

v

V

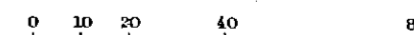
u

U

t

T

Areas in Acres	
Public Land	
Indian Reservation	
Indian Allotments	
Mineral Claims	
Water Surface	
<b>Total Area</b>	



Scale 40 Chains to an inch

Mean Magnetic Declination

Surveys Designated	By Whom Surveyed	Contract		Amount of Surveys Mts. chs. lks.	When Surveyed	
		No.	Date		Begun	Completed

The above supplemental map of Township No. 93 North Range No. 62 West of the Fifth Principal Meridian, South Dakota is strictly conformable to the field notes of the survey thereof on file in this office, which have been examined and approved.

U. S. Surveyor General's Office.  
Huron, South Dakota, December 30, 1920

*H. R. Couch*  
Surveyor General.

TOWNSHIP N<sup>o</sup>: 93 North RANGE N<sup>o</sup>: 62 West of the 5<sup>th</sup> Principal MERIDIAN

G F E D C B A

g

Sec. 6. Sec. 5. Sec. 4. Sec. 3. Sec. 2.

H

h

Sec. 7. Sec. 8. Sec. 9. Sec. 10. Sec. 11.

I

i

Sec. 18. Sec. 17. Sec. 16. Sec. 15. Sec. 14.

K

k

Sec. 19. Sec. 20. Sec. 21. Sec. 22. Sec. 23.

L

l

Sec. 30. Sec. 29. Sec. 28. Sec. 27. Sec. 26.

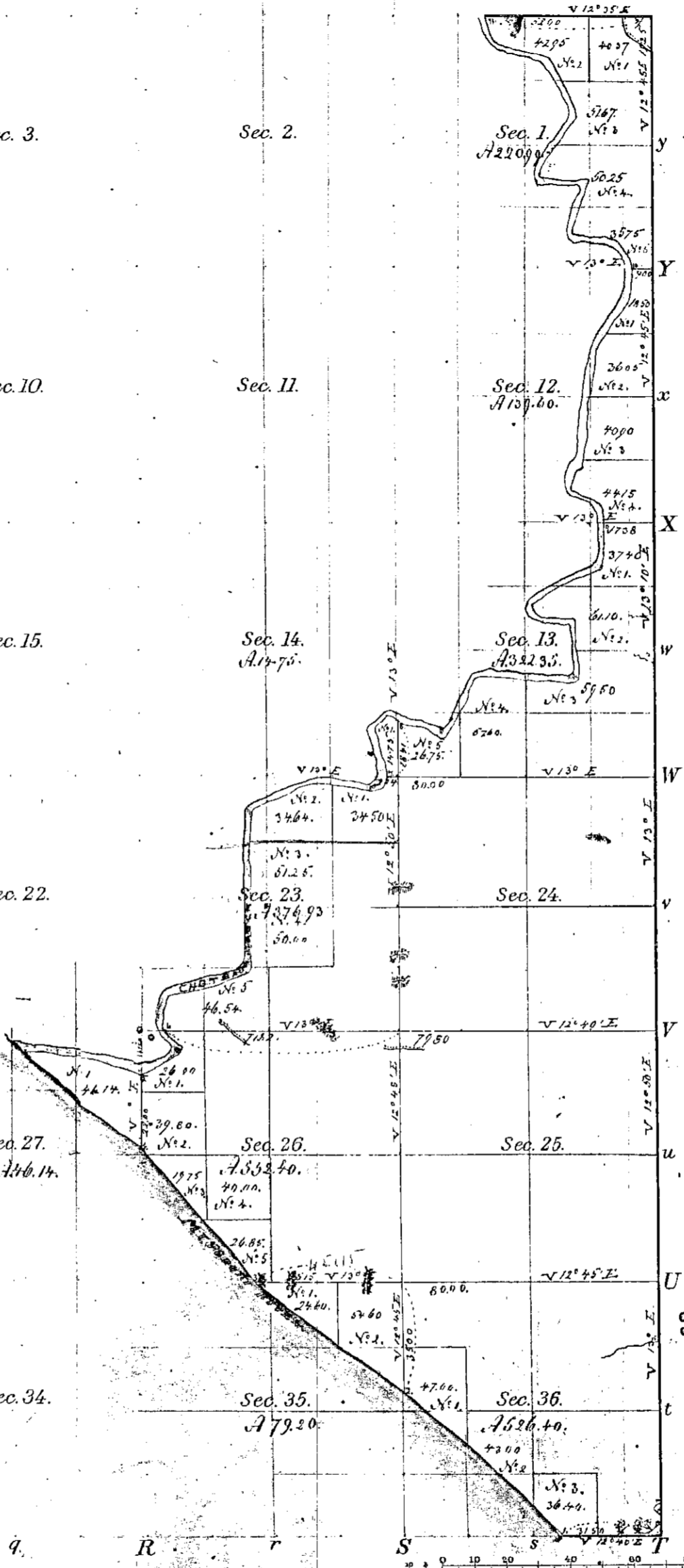
M

m

Sec. 31. Sec. 32. Sec. 33. Sec. 34. Sec. 35.

N

n o o P p Q q R r S



Meanders of Missouri River and Oakau Creek									
Posts	Courses	Ch. Lk.	Posts	Courses	Ch. Lk.	Posts	Courses	Ch. Lk.	
1.2	N45°00W	39.20							
	N50°30W	27.00							
2.3	N52°15W	57.00							
3.4	N39°30W	35.50							
4.5	N51°15W	47.80							
	S86° E	20.50							
	S89° E	18.00							
5.6	N60° E	15.30							
	N34° W	9.20							
6.7	N17°30E	12.60							
	N79°30E	11.00							
	N70°15E	13.00							
	N2° W	35.50							
	N1° 15' E	14.10							
	N63° 15' E	24.40							
	S85° 30' E	17.50							
	N61° E	4.00							
7.8	N27°30W	20.80							
	N60°00E	6.90							
	S44°00E	7.60							
8.9	S56°45E	6.00							
	S75°45E	6.00							
	S43°00E	8.10							
	N17°15E	23.00							
	S87°00E	34.80							
	N7°00W	18.60							
	S29° W	9.90							
	N36°45W	6.00							
	N42°15E	11.80							
	N72°45E	12.30							
	N2°15E	16.20							
9.10	N24°30W	7.18							
	N67°15W	6.18							
	N19°15E	7.18							
	N77°15E	3.00							
	N3°45E	26.50							
	N7°45W	9.00							
	N42°15E	7.50							
	N48° E	4.66							
	N5°15E	19.00							
10.11	N21°30W	8.00							
	N71°15W	12.50							
	N12°30E	17.00							
	N66°15W	13.00							
	N26°30E	16.30							
	N21°45W	6.20							
	N30°45W	19.60							
	N71°45W	14.70							
	N27°45W	9.50							

Accepted:  
Commissioner's letter  
dated Dec. 23, 1862

Total number of Acres. 3558.76

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
Township lines	John Ball	August 1 <sup>st</sup> 1860	M. 7 Ch. 2 Lk. 75	October 16 <sup>th</sup> 1860
Subdivisions	Charles Foxman	July 12 <sup>th</sup> 1862	17 - 77 - 65	August 25 <sup>th</sup> 1862

The above Map of Township N<sup>o</sup> 93 North of Range N<sup>o</sup> 62 West of the 5<sup>th</sup> Principal Meridian De Kalb Territory is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

Surveyor General's Office  
Washington D. C. Nov 5 1862

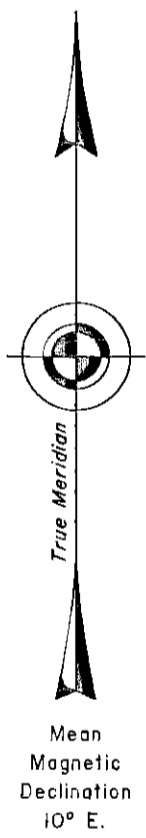
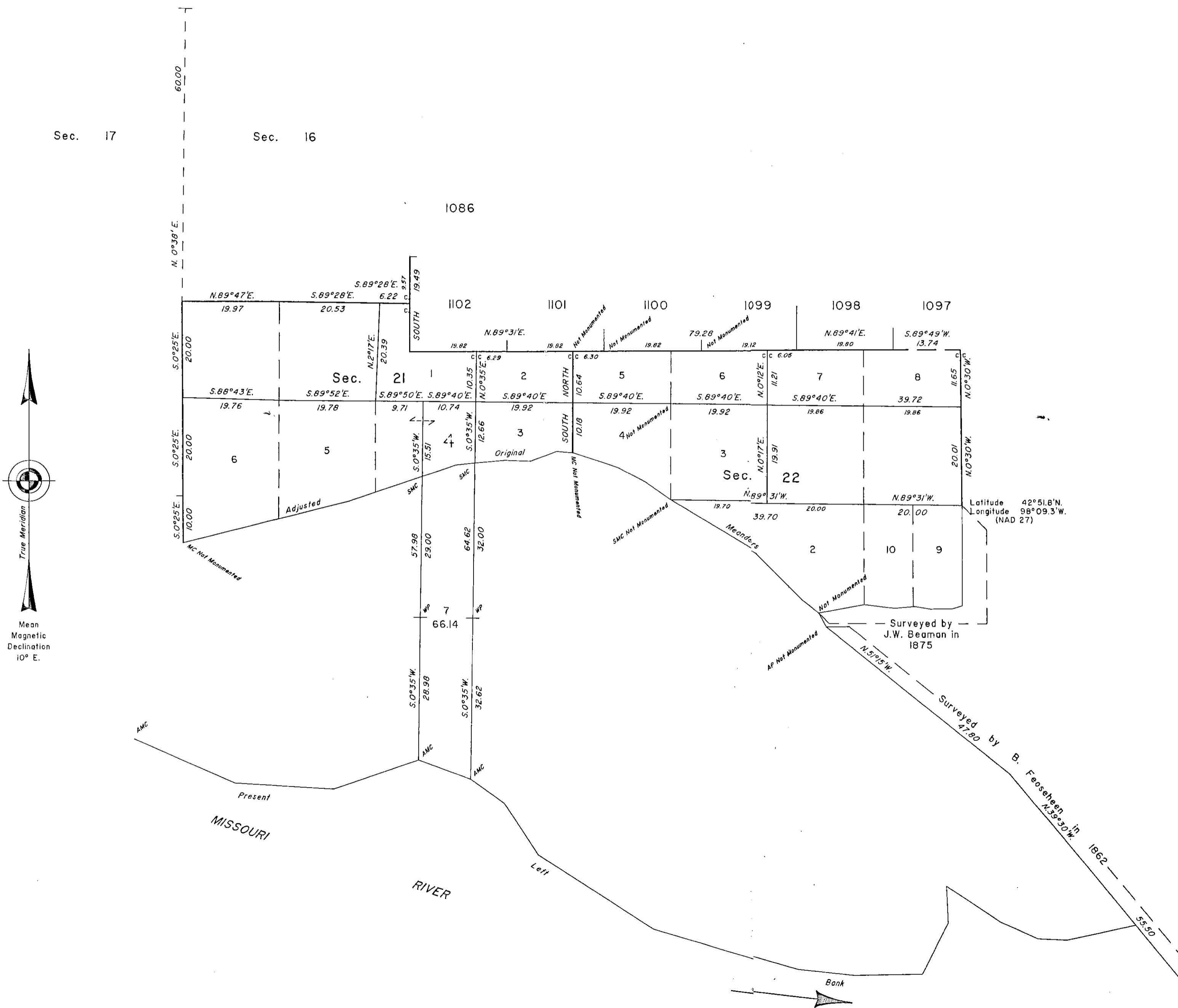
Geo. D. Hill  
Sur. Genl.

# TOWNSHIP 93 NORTH, RANGE 62 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, SOUTH DAKOTA

## DEPENDENT RESURVEY, SUBDIVISION OF SECTIONS, AND SURVEY OF ACCRETION LANDS

Sheet 2 of 2

Reference should be made to sheet No. 1 for survey information.



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Billings, Montana May 13, 1992

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director  
*Steven G. Schuy*

Chief Cadastral Surveyor, Montana State Office

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3004-3

ALBERT SOUKUP  
(Applicant)

WAGNER  
(Post Office Address)

SOUTH DAKOTA 57380  
(State)

With the following modifications:

Date of first receipt of application \_\_\_\_\_ AUGUST 20 19 76  
Date of return to applicant for correction, amendments or changes required \_\_\_\_\_ 19 \_\_\_\_\_  
Date of receipt of correct application \_\_\_\_\_ 19 \_\_\_\_\_  
Approved: SEPTEMBER 29 19 76, Recorded in Book 16 Page 108

WATER RIGHT PERMIT NO. 3004-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3004-3 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 20 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 29 19 79
3. The whole of said work is to be completed on or before SEPTEMBER 29 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith SEPTEMBER 29 19 81
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 3.2 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 SEPTEMBER 29 19 81; said water to be used during the following described annual period: JUNE THRU OCTOBER

Witness my hand this 30<sup>TH</sup> day of NOVEMBER 19 76

WATER RIGHTS COMMISSION

By: John Hatch  
Chief Engineer, Executive Officer

Certificate of Construction Issued \_\_\_\_\_ 19 \_\_\_\_\_

Water License Issued \_\_\_\_\_ 19 \_\_\_\_\_

Form 6 - Notice of Intent to Appropriate Water

No. 3004-3

Publish first publication, on or before September 20, 1976

**NOTICE  
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

September 16, 1976

Albert Soukup

Notice is hereby given that \_\_\_\_\_  
whose post office address is Wagner, 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  
3.2 cubic feet of water per second of time from the Choteau Creek through the  
Soukup #1, the point of diversion of which is to be located in the \_\_\_\_\_

NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22; NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 23, Lot 2

of Section 14, Twp. 93N, Range 62W. Said water to be used for the purpose  
of providing irrigation on <sup>portions of</sup> the following described land:

NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22; W $\frac{1}{2}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 23,  
Lots 1094, 1076 and Lot 2, Section 14, T93N, R62W

This application No. 3004-3 will be considered by the Water Rights Commission at their office at  
Pierre upon the 20th day of September, 1976, at 10:00 A. M. All interested  
persons may appear and be heard.

**WATER RIGHTS COMMISSION**

By:

BURTON F. JONES  
Water Rights Specialist

BFJ/bw  
cc: Albert Soukup, Wagner, S.D. 57380

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

No. 3007-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Sutton ) ss.

I, Hernad Pitjenler hereby

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

Water was taken from the Living Republic

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 Mitchell

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

Sept 20, 1976

Sept 27, 1976

Hernad Pitjenler by 2-Million  
(Signature)

Publisher  
(Title)

9/27/76  
(Date Signed)

**NOTICE INTENT TO APPROPRIATE WATER**  
Pierre, South Dakota 57501  
September 16, 1976  
Notice is hereby given that Albert Soukup whose post office address is Wagner, 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 3.2 cubic feet of water per second of time from Chicleau Creek through the Soukup No. 1; the point of diversion of which is to be located in the NE 1/4 SW 1/4, Section 22; NW 1/4 NE 1/4, Section 23, Lot 2 of Section 14, Twp. 93N, Range 62W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE 1/4 SW 1/4, Section 22; W 1/2 NW 1/4, NW 1/4 NE 1/4, Section 23, Lots 1094, 1076 and Lot 2, Section 14, T93N, R62W.  
This application No. 3007-3 will be considered by the Water Rights Commission at their office at Pierre upon the 29th day of September, 1976, at 10:00 A.M. All interested persons may appear and be heard.  
WATER RIGHTS COMMISSION  
By: Burton F. Jones  
Water Rights Specialist





# Department of Water & Natural Resources

Joe Foss Building  
Pierre, South Dakota 57501

Water Rights, Water Management Division  
(605) -73-3352

No. 3004-3

March 31, 1980

Mr. Albert Soukup  
Wagner, SD 57380

Dear Mr. Soukup:

This is to inform you that the Water Management Board at their regular meeting, on March 26, 1980, took no action regarding the cancellation consideration on your Water Permit No. 3004-3, as the time limit on the completion of works has not been reached.

In accordance with SDCL 46-5-21 the construction shall be completed, not to exceed five years from the date of approval. The time limit for completion of your Water Permit is Sept. 29, 1981.

If your irrigation project has not been completed by this date it will be re-scheduled for cancellation.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights, WMD

JH:bt

*Equal Opportunity Employer*

No. 3004-3

Water Rights, Water Management Division  
(005) 773-3352

January 25, 1980

Mr. Albert Soukup  
Wagner, SD 57380

Dear Mr. Soukup:

During a field investigation it was observed that Water Permit No. 3004-3 authorizing 3.2 cubic feet per second of water to irrigate 225 acres from Choteau Creek has not been constructed.

South Dakota Water Law Section 46-5-25 provide that one-fifth of the work must be completed within two and one-half years after the water permit has been approved. The expiration date for the one-fifth completion date on Water Permit No. 2004-3 will be March 29, 1979.

Therefore, cancellation of Water Permit No. 3004-3 will be considered by the Water Management Board at 9:00 am on March 26, 1980, at the SHEA Auditorium, 411 E. Capitol, Pierre, South Dakota 57501.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights, WMD

JH/bt

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

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

February 8, 1989

ALBERT SOUKUP

WAGNER, SD 57380

**NOTICE**

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 3004-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

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

1. Amend Permit No(s). 3004-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,  
*John Hatch*

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



SOUTH DAKOTA

# Dakota Department of Water & Natural Resources

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

February 24, 1989

3004-3

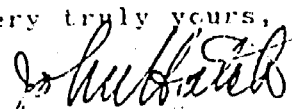
Albert Soukup  
Wagner, SD 57380

Dear Mr. Soukup:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 3004-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,

  
JOHN HATCH, Chief Engineer  
Water Rights Division

**Permit No. 3004-3**  
**Missouri River - Water District**

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

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

I have this day made a thorough examination of the water use system constructed by Albert Scukup of RR 3, Box 254, Wagner, SD 57380 holder of Permit No. 3004-3, bearing the priority of August 20, 1976 authorizing the diversion of 3.20 cu. ft. of water per second from the Missouri River for irrigation purposes, in Charles Mix County.

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

**A. Works used to divert the water:**

- |  |  |
|--|--|
| <b>Pump:</b><br>1) Make <u>Cornell</u><br>2) Model <u>4H62B4 3</u><br>3) Size <u>15 1/8</u> inches<br>4) Capacity <u>650</u> GPM | <b>Motor:</b><br>1) Make <u>Deutz Diesel</u><br>2) Model No. <u>F6L912</u><br>3) Serial No. <u>5632379</u><br>4) Horsepower rating <u>105</u> hp |
|--|--|

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

**DISTRIBUTION LINES:**

- |                         |                         |                            |
|-------------------------|-------------------------|----------------------------|
| 1) Type <u>Aluminum</u> | 2) Size <u>6</u> inches | 3) Length <u>2100</u> feet |
| 1) Type <u>Aluminum</u> | 2) Size <u>8</u> inches | 3) Length <u>2600</u> feet |
| 1) Type <u>Rubber</u>   | 2) Size <u>4</u> inches | 3) Length <u>660</u> feet  |

**C. Works used to apply water to beneficial use:**

**SYSTEM TYPE:**

- Big Gun:**
- 1) Make Rainbow
  - 2) Nozzle size 1 1/2 inches
  - 3) Capacity 550 GPM
  - 4) Hose size 4 inches

The system is in good condition. The points of diversion are located along Choteau Creek between Lot 2 Section 14 and Lot 9 (resurvey of Lot 1) Section 22 T93N-R62W. The works are capable of diverting and conveying to the place of use 1.44 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>T93N-R62W</u>	<u>SECTION 14</u>	<u>Lot 1076</u>	<u>18 acres</u>
		<u>Lot 3</u>	<u>9 acres</u>
		<u>Lot 2</u>	<u>20 acres</u>
		<u>Lot 1024</u>	<u>10 acres</u>

T93N-R62W

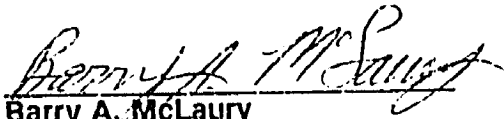
SECTION 23

<u>Lot 8</u>	<u>16 acres</u>
<u>Lot 7</u>	<u>24 acres</u>
<u>SW¼ NW¼</u>	<u>20 acres</u>
<u>Lot 6</u>	<u>44 acres</u>
<u>Lot 9</u>	<u>17 acres</u>

comprising a total of 181 acres of land and the license should be issued for 1.44 CFS.

Applicable permit qualifications have been complied with: Yes  No

Exceptions to compliance are: None Date: August 3, 1993



Barry A. McLaury  
Environmental Scientist  
DENR, Water Rights Division

## REPORT ON INSPECTION OF PERMIT NO. 3004-3

DATE: August 3, 1993

Other permit(s) associated with the project: None

DIVERSION POINT LEGAL LOCATION: Along Choteau Creek between Lot 2 Section 14 and Lot 9 (resurvey of Lot 1) Section 22 T93N-R62W.

### Pump:

- 1) Make Cornell
- 2) Model 4H62B4-3
- 3) Size 15 1/8 inches
- 4) Capacity 650 GPM

### Motor:

- 1) Make Deutz Diesel
- 2) Model No. F6L912
- 3) Serial No. 5632379
- 4) Horsepower rating 105 hp

### DISTRIBUTION LINES:

- |                         |                         |                            |
|-------------------------|-------------------------|----------------------------|
| 1) Type <u>Aluminum</u> | 2) Size <u>6</u> inches | 3) Length <u>2100</u> feet |
| 1) Type <u>Aluminum</u> | 2) Size <u>8</u> inches | 3) Length <u>2600</u> feet |
| 1) Type <u>Rubber</u>   | 2) Size <u>4</u> inches | 3) Length <u>650</u> feet  |

### SYSTEM TYPE:

#### Gun:

- 1) Make Rainbow
- 2) Nozzle size 1 1/2 inches
- 3) Capacity 650 GPM
- 4) Hose size 4 inches

### CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

### PERMIT QUALIFICATIONS AND REGULATIONS:

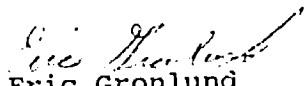
- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner starts irrigation by the end of construction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

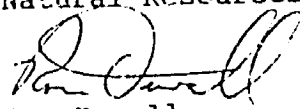
REPORT ON WATER PERMIT NO. 3004-3  
ALBERT SOUKUP  
November 29, 1993

Water Permit No. 3004-3 appropriates 3.2 cubic feet of water per second from Choteau Creek between and including Lot 2 Section 14 and Lot 9 (resurvey of Lot 1) Section 22; all in T93N-R62W to irrigate 225 acres. Readvertisement of this permit is necessary to correct the location of the lands irrigated prior to issuance of the water license. The lands irrigated are located in Lot 2, Lot 3 Section 14; Lot 6, Lot 7, Lot 8, SW 1/4 NW 1/4 Section 23; Lot 9 (resurvey of Lot 1) Section 22; all in T93N-R62W and Yankton Sioux Lot 1076 and Lot 1094. The lands irrigated were incorrectly advertised on September 20 and 27, 1976 in the Mitchell Daily Republic. This readvertisement does not authorize any increase in developed water appropriation or irrigated acreage.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 3004-3.
2. This readvertisement is necessary to correct the legal description of the lands being irrigated prior to issuance of the water license. The correct location of the irrigated acreage was identified on the permit application and on the original map submitted with the application.
3. The correct legal description of the lands being irrigated is Lot 2, Lot 3 Section 14; Lot 6, Lot 7, Lot 8, SW 1/4 NW 1/4 Section 23; Lot 9 (resurvey of Lot 1) Section 22; all in T93N-R62W and Yankton Sioux Lots 1076 and 1094.

  
Eric Gronlund  
Natural Resources Engineer

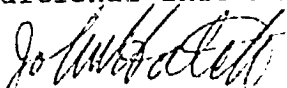
  
Ron Duvall  
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT  
APPLICATION NO. 3004-3, Albert Soukup

Pursuant to SDCI 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning readvertised Water Permit Application No. 3004-3, Albert Soukup, RR 3 Box 254, Wagner, SD 57380.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 3004-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See report on application for additional information.

  
JOHN HATCH, Chief Engineer  
February 24, 1994



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

March 7, 1994

Albert Soukup  
RR 3 Box 254  
Wagner, SD 57380

Dear Mr. Soukup:

The original notice of hearing for Water Permit No. 3004-3 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Wagner Post printed at Wagner, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



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

March 7, 1994

Wagner Post  
Box 187  
Wagner, SD 57380

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 3004-3 to be published twice. Please publish the first notice on March 15, 1994, with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

*Eric Gronlund*  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund  
Water Rights Division  
Joe Foss Building  
Pierre SD 57501-3181

No. \_\_\_\_\_

Date \_\_\_\_\_ we are in receipt of your letter of \_\_\_\_\_ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. \_\_\_\_\_ which was first published in our issue of \_\_\_\_\_. **ENCLOSED** IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper

Instruction to Newspaper - Publish first Notice on March 15, 1994, with the second publication 7 days later.

---

Readvertisement of NOTICE OF APPLICATION NO. 3004-3 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 3004-3 held by Albert Soukup, RR 5 Box 254, Wagner, SD 57380. The permit was originally applied for on August 20, 1976. Water Permit No. 3004-3 appropriates 3.2 cubic feet of water per second from Choteau Creek between and including Lot 2 Section 14 and Lot 9 (resurvey of Lot 1) Section 22; all in T93N-R62W to irrigate 225 acres. Readvertisement of this permit is necessary to correct the location of the lands irrigated prior to issuance of the water license. The lands irrigated are located in Lot 2, Lot 3 Section 14; Lot 6, Lot 7, Lot 8, SW 1/4 NW 1/4 Section 23; Lot 9 (resurvey of Lot 1) Section 22; all in T93N-R62W and Yankton Sioux Lots 1076 and 1094. The lands irrigated were incorrectly advertised on September 20 and 27, 1976, in the Mitchell Daily Republic. This readvertisement does not authorize any increase in developed water appropriation or irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Application No. 3004-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 1, 1994.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )
County of Charles Mix ) ss

I, Donald Harrell

certify that the attached printed Notice was taken from the

The Wagner Post

printed and published in Wagner

County of Charles Mix and State of

South Dakota. The notice was published in the newspaper on the following two dates:

March 16, 1994

March 23, 1994

Cost of Printing: \$40.70

Donald Harrell (Signature)

Publisher (Title)

March 23, 1994 (Date Signed)

Public Notice

Readvertisement of NOTICE OF APPLICATION NO. 3004-3 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 3004-3 held by Albert Soukup, RR 3 Box 254, Wagner, SD 57380. The permit was originally applied for on August 20, 1976. Water Permit No. 3004-2 appropriates 3.2 cubic feet of water per second from Choteau Creek between and including Lot 2 Section 14 and Lot 9 (resurvey of Lot 1) Section 22; all in T93N-R62W to irrigate 225 acres. Readvertisement of this permit is necessary to correct the location of the lands irrigated prior to issuance of the water license. The lands irrigated are located in Lot 2, Lot 3 Section 14; Lot 6, Lot 7, Lot 8, SW 1/4 NW 1/4 Section 23; Lot 9 (resurvey of Lot 1) Section 22; all in T93N-R62W and Yankton Sioux Lots 1076 and 1094. The lands irrigated were incorrectly advertised on September 20 and 27, 1976, in the Mitchell Daily Republic. This readvertisement does not authorize any increase in developed water appropriation or irrigated acreage. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Application No. 3004-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition. Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 1, 1994. The petition may be informal,

but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel. If legal counsel is obtained, contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources. Pub: March 16, 23, 1994



PAYMENT REQUEST FORM

PAYEE: The Wagner Post  
P.O. Box 187  
Wagner, SD 57380-0187

FROM: DENR  
Water Rights Division  
523 E. Capitol  
Pierre, SD 57501-3131

DESCRIPTION OF SERVICE, PRODUCT OR TRANSFER

Readvertisements of Notice of Applications to Appropriate Water:

Application No. 2004-3:	\$ 40.70
Application Nos. 1632-3 & 1632-3A:	\$ 45.90
Application No. 5779-3:	\$ 43.06
Application No. 1368-3:	<u>\$ 40.70</u>
Total:	\$170.36

AMOUNT: \$170.36

FUNDING SOURCE:

GENERAL:

FEDERAL:

COMMENTS:

AUTHORIZATION: \_\_\_\_\_

*John H. Hattis*

3-28-94

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

FILE DOCUMENTATION

NAME: Albert Soukup  
ADDRESS: RR 3, Box 254, Wagner SD 57380 COUNTY: Charles Mix  
DATE: November 24, 1993 TELEPHONE: 286-3986  
RE: Inspection of Water Permit No. 3004-3

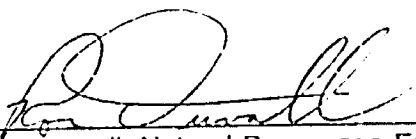
An inspection of Water Permit No. 3004-3, Albert Soukup, by Barry McLaury found the following acreage developed for irrigation:

Lot 2 sec 14-T93N-R62W	20 acres	Lot 8 sec 23-T93N-R62W	16 acres
Lot 3 "	9	Lot 7 "	24
Yankton Sioux Lot 1076	18	Lot 6 "	44
" " Lot 1094	10	SW1/4 NW1/4 "	26
		Lot 9 (resurvey Lot 1)	
		sec 22-T93N-R62W	17

Total irrigated area -- 184 acres

Diversion points are located on Choteau Creek between and including Lot 2 section 14 and Lot 9 (resurvey of Lot 1) section 22; all in T93N-R62W.

Acreages described on Application No. 3004-3 and outlined on the original map do not match. Review of the original publication notice found that the acreage outlined on the map was not included in the publication. The developed acreage is located within the area described on the permit application or within the areas outlined on the original map. Therefore, Water Permit No. 3004-3 needs to be readvertised to correctly describe the irrigated acreage and the diversion point locations. The original publication errors were avoidable based on the information supplied on the map and application.

  
Ron Duvall, Natural Resources Engineer



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

April 13 1994

3004-3

Albert Soukup  
RR 3, Box 254  
Wagner, SD 57380

Dear Mr. Soukup:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 3004-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:  
Department of Environment & Natural Resources  
Water Rights Division  
523 E. Capitol  
Pierre, SD 57501-3181

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost  
Secretary  
Water Rights Division  
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



Wray, S. D.

April 27 - 1994

Water permit of Albert F. Seubert  
# 3004-3

Wray, S. D.

Dept of Environment and Natural Resources  
Water Rights Division  
522 E Capital  
Pierre S.D. 57501

Enclosed is a check for \$5000 fee for  
inspection and issuance of the Water Rights  
under water permit No 3004-3.

As this <sup>sum</sup> transferable to my son  
if and when ownership is  
transferred to him?

Sincerely

Albert F. Seubert

Box 574

Wray, S.D. 57380



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

May 3, 1994

3004-3

Albert F Soukup  
PO Box 574  
Wagner, SD 57380-0574

Dear Mr. Soukup:

I am writing to acknowledge receipt of the \$50.00 you paid for inspection and licensing of Water Permit No. 3004-3. The license will be processed and forwarded to you in the near future.

In your letter, you inquired whether or not the license would be transferrable to your son and when the transfer could take place. Yes, the license can be transferred. Under South Dakota Water Law 46-5-30.3, the Notice of any sale, grant, lease, conveyance or other transfer of a permit or license to appropriate water issued under the provisions of this title shall be filed with the chief engineer within ninety days.

There are many cases where water permits or rights are transferred to a son(s) if the parents no longer wish to remain active in managing the irrigation system or permit that pertains to it. In order to transfer a water permit, the "new owner" must sign a "Notice of Transfer Of Ownership" form and submit it to our office.

I am enclosing a blank transfer form for your records. If and when you decide to transfer the water right to your son, he can complete the form and return it to our office. Thank you for your inquiry into this matter. If I can answer any questions for you, please contact me.

Sincerely,

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

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

enclosure

# RECEIPT

414157

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, \_\_\_\_\_ April 29 \_\_\_\_\_, 19 24

RECEIVED OF Albert F Soukup, PO Box 574, Wagner, SD 57380-0574

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. <u>5004-5</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		
_____		
_____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch  
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3004-3 FOR IRRIGATION

(1) Albert Soukup of PO Box 574, Wagner SD 57380 made Application No. 3004-3, August 20, 1976 for a water permit to appropriate 3.2 cubic feet of water per second from Choteau Creek, Charles Mix County, South Dakota for irrigation purposes. Permit No. 3004-3, with a priority date of August 20, 1976 was approved September 29, 1976 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 29, 1981 and for the application to beneficial use of said water on or before September 29, 1981.


The permit was readvertised March 16 and 23, 1994 to correct the location of the irrigated acreage. The readvertisement of the original notice of hearing did not authorize an increase in the acreage or developed diversion rate.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.44 cubic feet of water per second for beneficial use. The location of the diversion points are between and including Lot 2 Section 14 and Lot 9 (resurvey of Lot 1) Section 22; all in T93N-R62W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 14-T93N-R62W	Lot 2	20 acres
	Lot 3	9 acres
Yankton Sioux Lot 1076		18 acres
Yankton Sioux Lot 1094		10 acres
Section 23-T93N-R62W	Lot 8	16 acres
	Lot 7	24 acres
	Lot 6	44 acres
	SW 1/4 NW 1/4	26 acres
Section 22-T93N-R62W	Lot 9 (resurvey of Lot 1)	17 acres
	Total	184 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Albert Soukup of PO Box 574, Wagner SD 57380 the holder and/or owner of Water Permit No. 3004-3 is issued a license to appropriate water, the right to use 1.44 cubic feet of water per second from Choteau Creek with a priority date of August 20, 1976 from the location specified in (2) of this license. The water is conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 3004-3 and subject to South Dakota State Law.

  
\_\_\_\_\_  
JOHN HATCH, Chief Engineer  
Water Rights Division  
Department of Environment and Natural Resources

NOV 14 1994

\_\_\_\_\_  
date



3004-3

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

NOV 14 1994

3004--3

Albert Soukup  
P.O. Box 574  
Wagner, SD 57380

Dear Mr. Soukup:

Enclosed is Water License No. 3004-3 and Receipt No. 414157 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 3004-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

rd  
enclosures

Is your RETURN ADDRESS completed on the reverse side?

**SENDER.**  
Fold at line over for envelope to

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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 (or an extra fee):

1.  Addressee's Address
2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 3004-3

ALBERT SOUKUP  
BOX 574  
WAGNER SD 57380 0574

4a. Article Number  
P 378 081 398

- 4b. Service Type
- Registered
  - Express Mail
  - Return Receipt for Merchandise
  - Certified
  - Insured
  - COD

7. Date of Delivery  
2-5-97

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)  
X David G. Taylor

PS Form 3811, December 1994

Domestic Return Receipt

Return Receipt Service

3004-3



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 4, 1997

**NOTICE**

TO: ALBERT SOUKUP, BOX 574, WAGNER, SD 57380 0574

FROM: Ron Duvall, Natural Resources Engineer  
for John Hatch, Chief Engineer  
Water Rights Program

A handwritten signature in black ink, appearing to read "Ron Duvall", is written over the typed name in the "FROM:" field.

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3004-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 2:30 pm, March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3004-3 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 February 28, 1997, 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.

3004-3

Dear Sirs,

Dad has been sick during this period, the Questionnaire was overlooked.

I would like you to send any papers to me.

Address

Francis J. Soukup  
RR #3 Box 254  
Wagner, S.D. 57380

Sorry about this oversight.

Tom J. Soukup





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

February 10, 1997

3004-3

Francis J Soukup  
RR 3 Bbx 254  
Wagner, SD 57380

Dear Mr. Soukup:

I am writing to acknowledge receipt of the 1996 irrigation questionnaire for Albert Soukup. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaire.

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

If you have any questions, please contact me.

Sincerely,

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

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



3004-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 20, 2005

**NOTICE**

TO: FRANCIS J SOUKUP, MGR, 40229 COUNTY RD 2, WAGNER, SD 57380

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 3004-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No. 3004-3 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 is received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, 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.



3004-3

# Track & Confirm

## Current Status

You entered 2301 3460 0000 8516 1855

Your item was delivered at 8:27 am on January 21, 2005 in WAGNER, SD 57380. The item was signed for by F SOUKUP.

[Shipment Details >](#)

## Notification Options

- ▶ Track & Confirm by email [What is this?](#) [Go >](#)
- ▶ Request Proof of Delivery [What is this?](#) [Go >](#)

## Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

## U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:  
2301 3460 0000 8516 1855

FRANCIS J SOUKUP, MGR  
40229 COUNTY RD 2  
WAGNER SD 57380

alling.

Waiver of Signature  YES  NO

Postmark  
Here

**POSTAL CUSTOMER:**  
Keep this receipt. For Inquiries:  
Access internet web site at  
[www.usps.com](http://www.usps.com)  
or call 1-800-222-1811

**CHECK ONE (POSTAL USE ONLY)**

- Priority Mail®
- Package Services

PS Form 153, July 2001

(See Reverse)



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 1, 2005

3004-3

Francis J Soukup  
40229 County Rd 2  
Wagner SD 57380

Dear Mr. Soukup:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 3004-3.

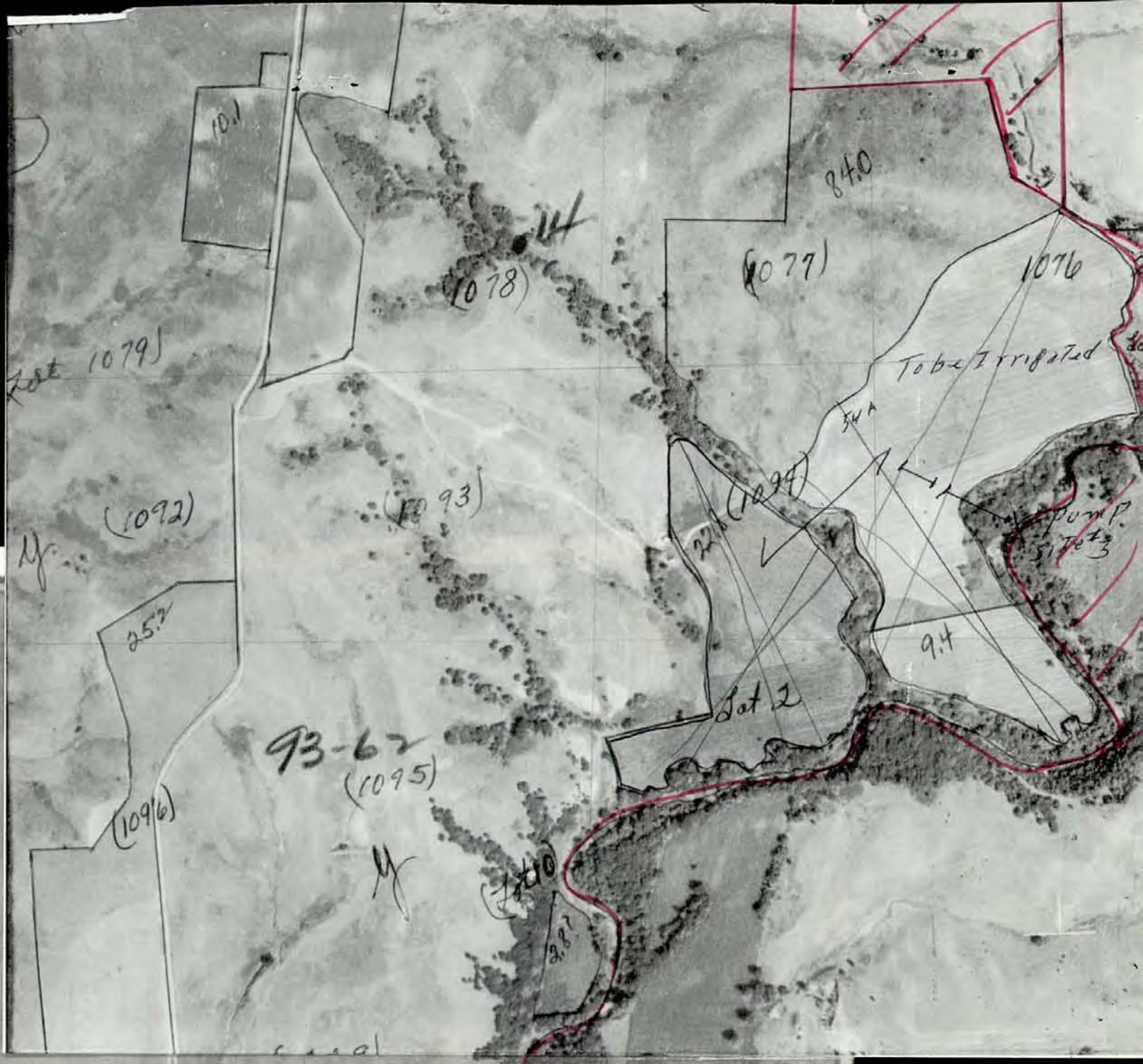
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



93-62  
(1095)

(1096)

14.0

3.87



19.5

Pump Site 2

23

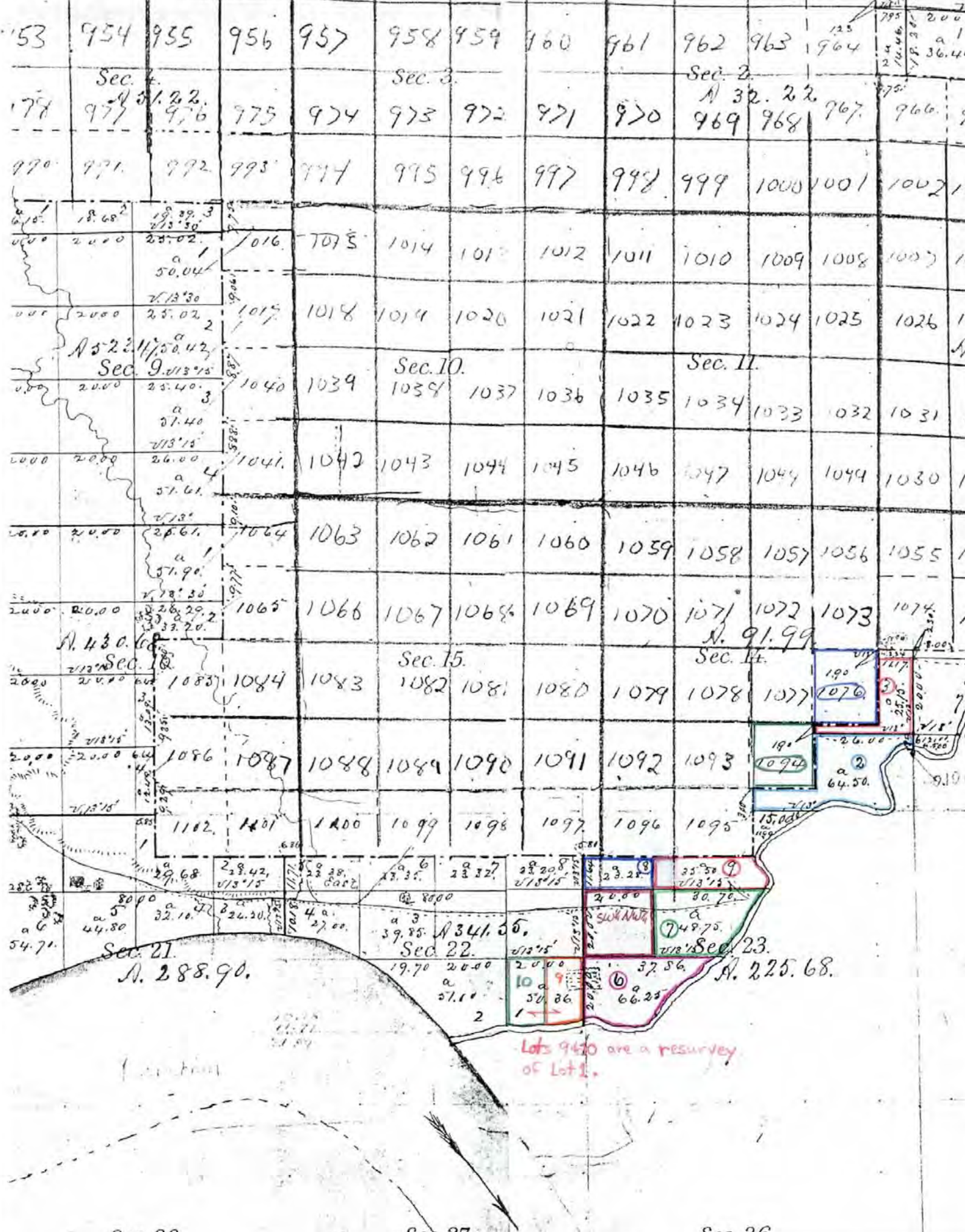
To be Irrigated

Pump Site 1

Lyle W. Fopelle

93-62

MAP NO 233128 APP NO 3004-3



953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------

Sec. 2  
 A. 32.22

Sec. 3

Sec. 9  
 A. 522.11  
 A. 50.42

Sec. 10

Sec. 11

Sec. 14  
 A. 430.68

Sec. 15

Sec. 16  
 A. 91.99

Sec. 21  
 A. 288.90

Sec. 22  
 A. 341.56

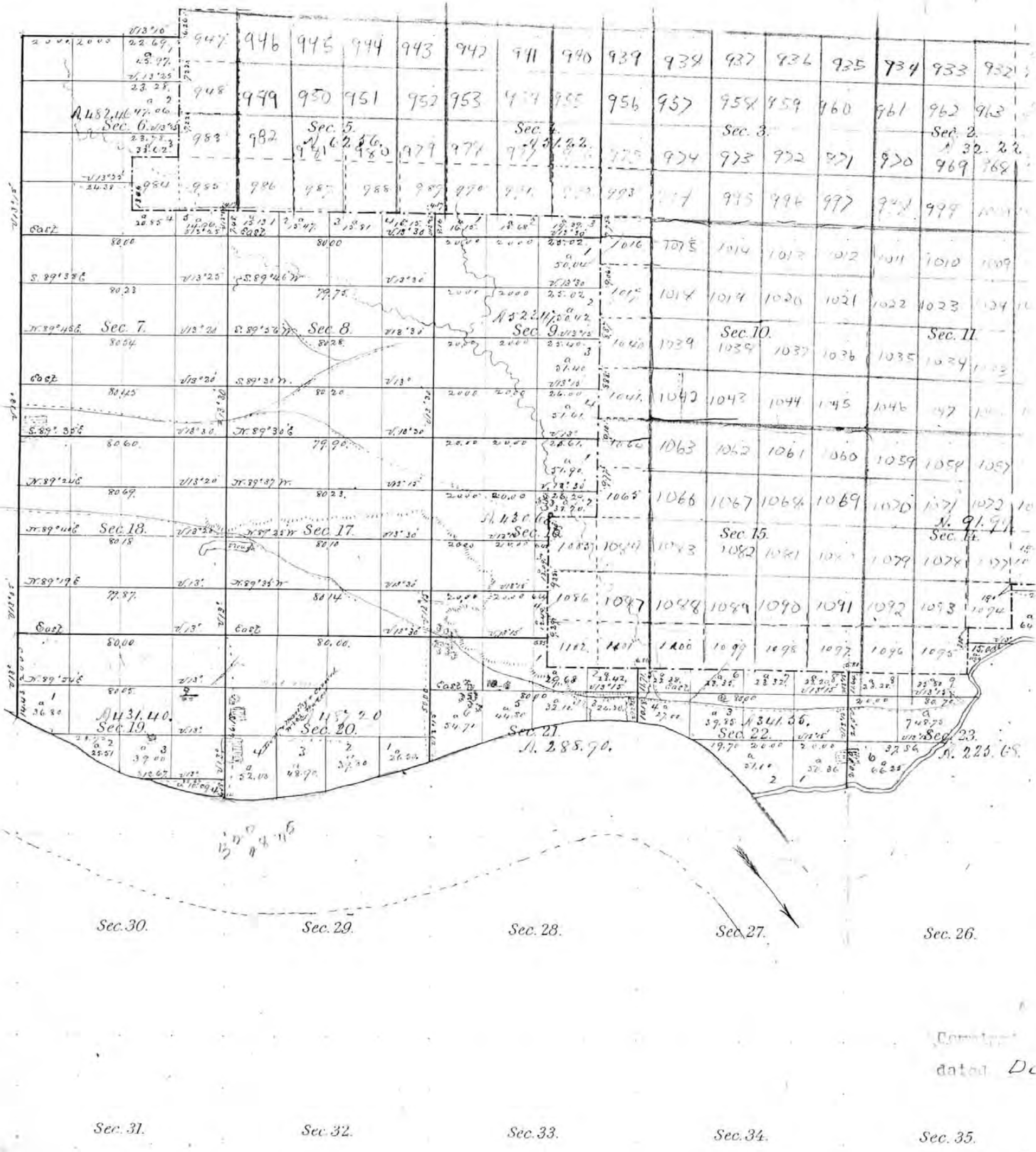
Sec. 23  
 A. 225.68

Lots 9470 are a resurvey of Lot 1.

TOWNSHIP N<sup>o</sup>. 93 North RANGE N<sup>o</sup>. 62 West of the 5 Principal

G F E D C B

g  
h  
i  
k  
l  
m  
n



69880.00 R<sup>o</sup> to Res Survey

Total number of Acres 6,126.149, out of 6,400

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
Township lines	J. W. Beaman	Sept 7 <sup>th</sup> 1874	4 80 4 3	November 1874
Subdivisions	J. W. Beaman	Sept 7 <sup>th</sup> 1874	45 59 - 45	May 27 <sup>th</sup> & June 3 <sup>rd</sup> inclusive 1876

The above Map of Principal M. notes of the survey of Surveyor Gen. Jackson T. Co.





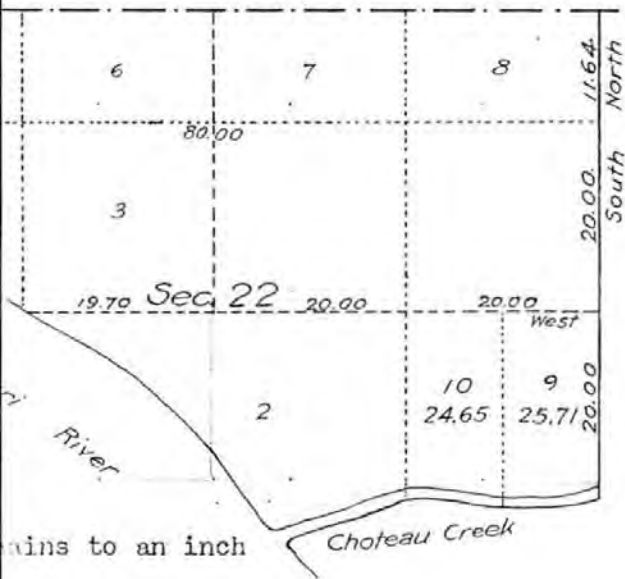


# of the 5th. Principal Meridian, South Dakota

Survey accepted G.L.O.  
January 20, 1921.

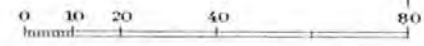
## mental plat of Section 22

ation of this plat, showing the subdivision of  
approved October 29, 1875, was directed by the  
General Land Office in order to accommodate the  
Reservation Lands.



v  
Y  
X  
w  
H  
V  
u  
I  
I  
q R r S s T

Areas in Acres	
Public Land	
Indian Reservation	
Indian Allotments	
Mineral Claims	
Water Surface	
<b>Total Area</b>	



Scale 40 Chains to an inch

Mean Magnetic Declination

TRUE MERIDIAN

Surveyed
Completed

supplemental  
The above map of Township No. 93 North Range No. 62 West of the Fifth Principal  
Meridian South Dakota is strictly conformable to the field notes of the survey thereof on file  
in this office, which have been examined and approved

U.S. Surveyor General's Office.  
Huron, South Dakota, December 30, 1920

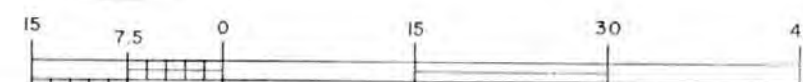
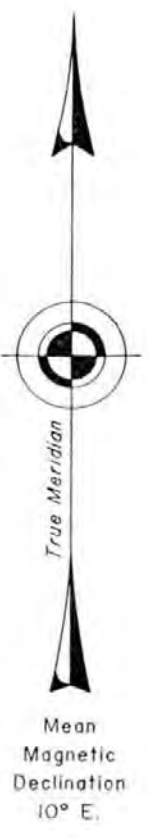
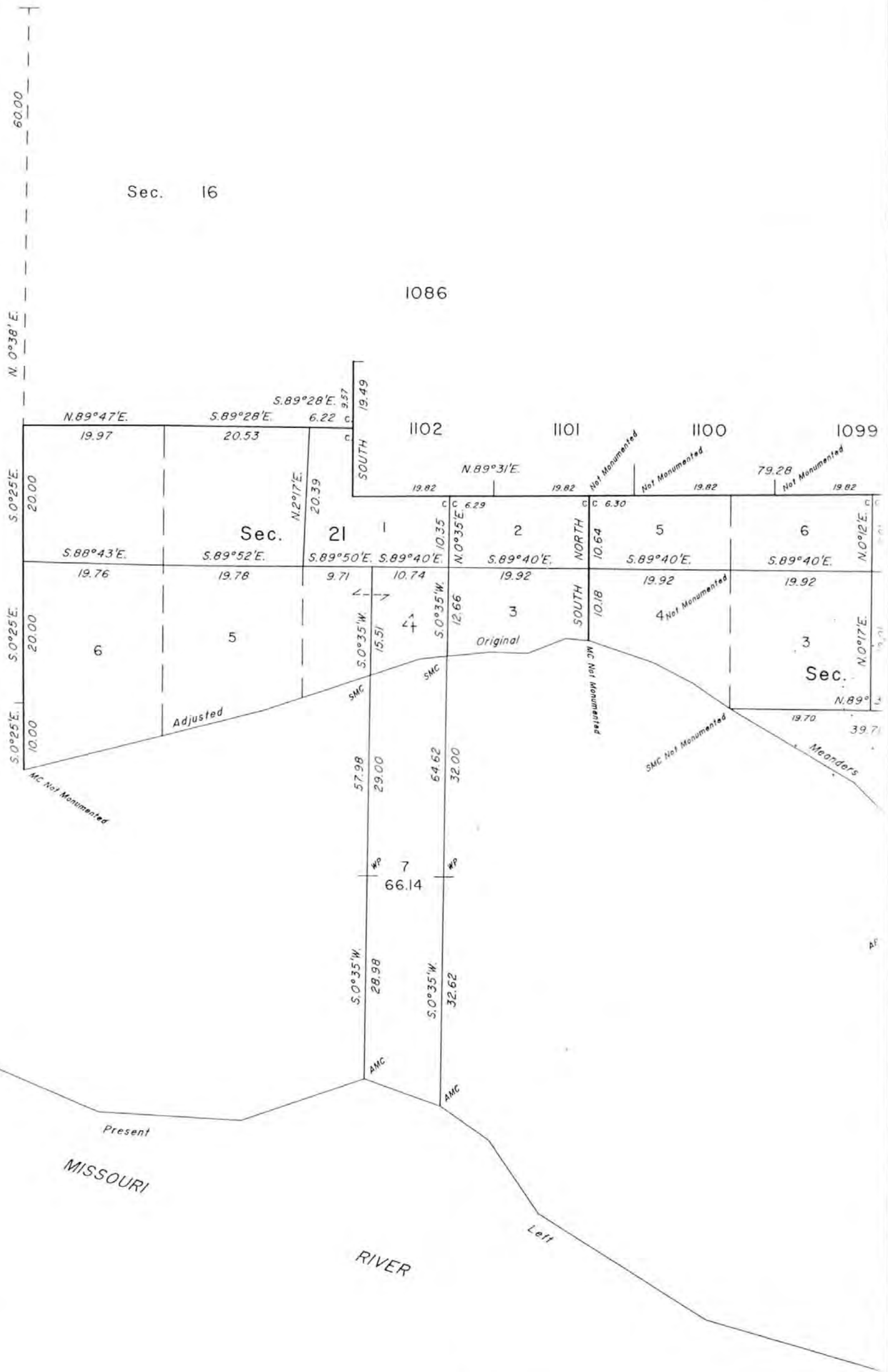
*H. H. Lynch*  
Surveyor General.

# TOWNSHIP 93 NORTH, RANGE 62 WEST, OF T

DEPENDENT RESURVEY, SUBDIVISION OF SE

Sec. 17

Sec. 16

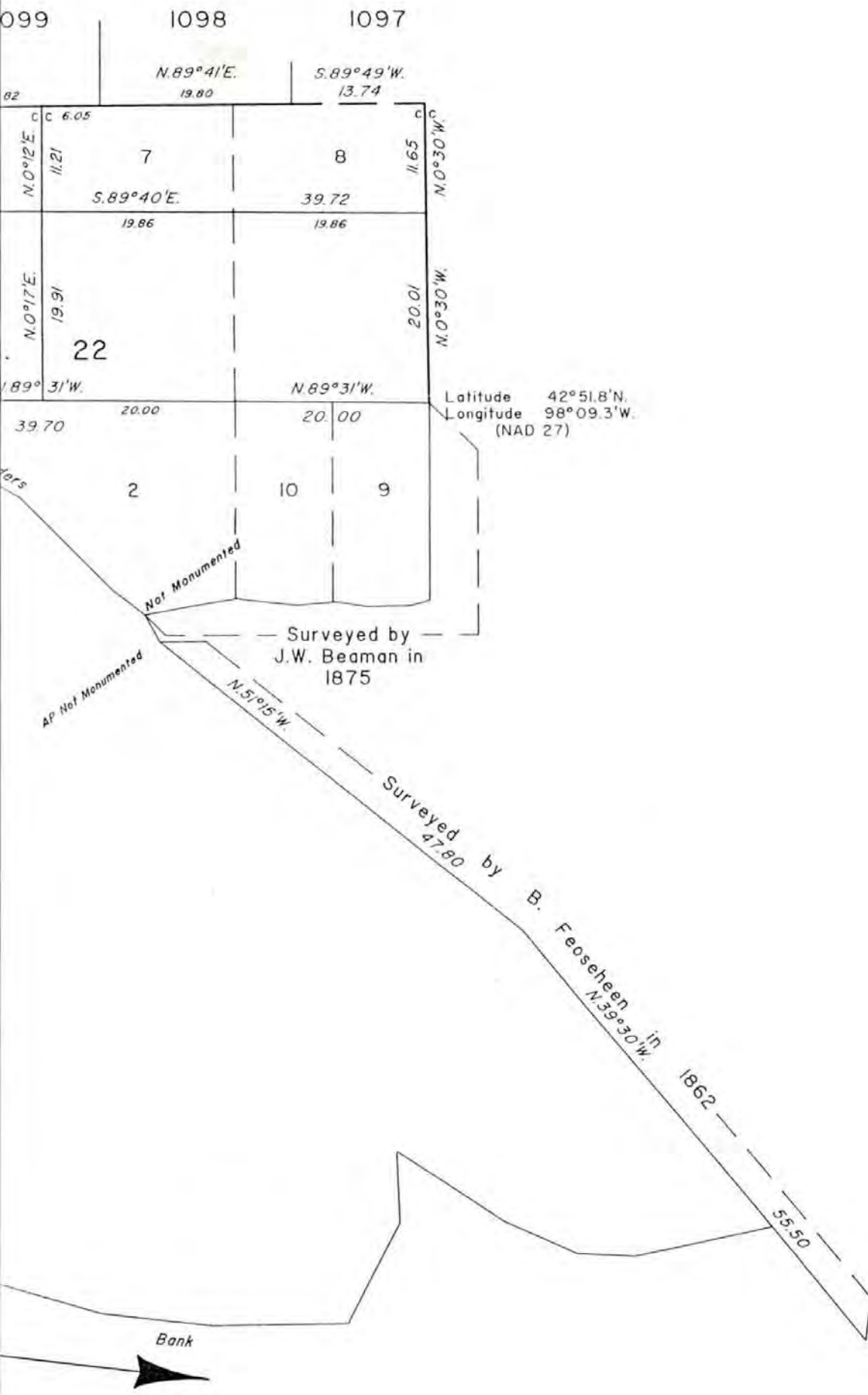


# THE FIFTH PRINCIPAL MERIDIAN, SOUTH DAKOTA

SECTIONS, AND SURVEY OF ACCRETION LANDS

Sheet 2 of 2

Reference should be made to sheet No. 1 for survey information.



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Billings, Montana

May 13, 1992

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

*Steven G. Schuy*

Chief Cadastral Surveyor, Montana State Office



3-1-09  
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, 2009

NOTICE

TO: FRANCIS J SOUKUP, MGR, 40229 COUNTY RD 2, WAGNER, SD 57380

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire has not been submitted for Permit No(s) 3004-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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 11, 2009**, 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) 3004-3 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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:  
<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pd>

**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.

3009-3



[Home](#) | [Help](#)

[Track & Confirm](#)

# Track & Confirm

## Search Results

Label/Receipt Number: 2303 2160 0000 0802 5930  
Status: **Delivered**

Your item was delivered at 7:47 AM on January 24, 2009 in WAGNER, SD 57380. The item was signed for by F SOUKUP.

## Track & Confirm

Enter Label/Receipt Number.

## Notification Options

### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

### Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

[Site Map](#)   [Contact Us](#)   [Forms](#)   [Gov't Services](#)   [Jobs](#)   [Privacy Policy](#)   [Terms of Use](#)   [National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.   No FEAR Act EEO Data   FOIA

## U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:  
2303 2160 0000 0802 5930

FRANCIS J SOUKUP, MGR  
40229 COUNTY RD 2  
WAGNER SD 57380

Waiver of Signature    YES    NO

Postmark  
Here

**POSTAL CUSTOMER:**  
Keep this receipt. For Inquiries:  
Access internet web site at  
[www.usps.com](http://www.usps.com)®  
or call 1-800-222-1811  
**CHECK ONE (POSTAL USE ONLY)**  
 Priority Mail™ Service  
 First-Class Mail® parcel  
 Package Services parcel

PS Form 153, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 3, 2009

3004-3

Francis J Soukup  
40229 County Rd 2  
Wagner SD 57380

Dear Mr. Soukup:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 3004-3.

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

If you have any questions, please contact me.

Sincerely,

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



January 22, 2010

NOTICE

TO: FRANCIS J SOUKUP, MGR, 40229 COUNTY RD 2, WAGNER, SD 57380

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire has not been submitted for Permit No(s) 3004-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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 10, 2010**, 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) 3004-3 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 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

cc: ALBERT SOUKUP, PO BOX 574, WAGNER SD 57380

**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.



[Track & Confirm](#)

[FAQs](#)

# Track & Confirm

## Search Results

Label/Receipt Number: 2303 2160 0000 0802 8320

Service(s): **Signature Confirmation™**

Status: **Delivered**

Your item was delivered at 10:06 AM on January 23, 2010 in WAGNER, SD 57380. The item was signed for by A KOCER.

### Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 23, 2010, 10:06 am, WAGNER, SD 57380
- Notice Left, January 23, 2010, 7:53 am, WAGNER, SD 57380
- Arrival at Post Office, January 23, 2010, 7:39 am, WAGNER, SD 57380

## Notification Options

### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

### Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

[Site Map](#)

[Customer Service](#)

[Forms](#)

[Gov't Services](#)

[Careers](#)

[Privacy Policy](#)

[Terms of Use](#)

[Business Customer Gateway](#)

Copyright© 2010 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

## U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:  
0222 0802 0000 2020 2020 2020

ALBERT SOUKUP  
PO BOX 574  
WAGNER SD 57380

Waiver of Signature  YES  NO

Postmark  
Here

### POSTAL CUSTOMER:

Keep this receipt. For Inquiries:  
Access internet web site at  
[www.usps.com](http://www.usps.com)®  
or call 1-800-222-1811

**CHECK ONE (POSTAL USE ONLY)**

- Priority Mail™ Service
- First-Class Mail® parcel
- Package Services parcel

PS Form 153, May 2002

(See Reverse)



[Track & Confirm](#)

[FAQs](#)

# Track & Confirm

## Search Results

Label/Receipt Number: 2303 2160 0000 0802 8313  
Service(s): **Signature Confirmation™**  
Status: **Delivered**

Your item was delivered at 8:00 AM on January 23, 2010 in WAGNER, SD 57380. The item was signed for by F SOUKUP.

### Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

### Detailed Results:

- Delivered, January 23, 2010, 8:00 am, WAGNER, SD 57380
- Arrival at Post Office, January 23, 2010, 7:39 am, WAGNER, SD 57380

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

#### Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

## U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:  
 ETEB 2090 0000 0802 8313  
 2160 0000 0802 8313  
 EDEE

mailing.  
 FRANCIS J SOUKUP, MGR  
 40229 COUNTY RD 2  
 WAGNER SD 57380

Waiver of Signature  YES  NO

Postmark  
Here

**POSTAL CUSTOMER:**  
 Keep this receipt. For Inquiries:  
 Access internet web site at  
[www.usps.com](http://www.usps.com)<sup>®</sup>  
 or call 1-800-222-1811  
**CHECK ONE (POSTAL USE ONLY)**

- Priority Mail™ Service
- First-Class Mail® parcel
- Package Services parcel



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 28, 2010

3004-3

Francis J Soukup  
40229 County Rd 2  
Wagner SD 57380

Dear Mr. Soukup:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 3004-3.

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

If you have any questions, please contact me.

Sincerely,

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



3004-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: FRANCIS J SOUKUP, MGR, 40229 COUNTY RD 2, WAGNER, SD 57380

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 has not been submitted for Permit No(s) 3004-3 as required by administrative rule 74:02:01:14.02. 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 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 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3004-3 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 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](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

**c: ALBERT SOUKUP, PO BOX 574, WAGNER SD 57380**

**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.

3004-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 31, 2019

3004-3

Francis J Soukup  
40229 Country Rd 2  
Wagner SD 57380

Dear Mr. Soukup:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire. You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 3004-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

In regard to the water right, can you tell me whose name it should be listed in? I still have Albert Soukup listed and am wondering if that is still correct. If you now own the land, let me know and I can forward you a "transfer of ownership" form for use in changing ownership.

If you have any questions, please contact me.

Sincerely,

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

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

3004-3



**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:** FRANCIS J SOUKUP, MGR, 40229 COUNTY RD 2, WAGNER, SD 57380

**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 has not been submitted for Permit No(s) 3004-3 as required by administrative rule 74:02:01:14.02. 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 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 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3004-3 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 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](mailto: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: IWHIFO**

**C: ALBERT SOUKUP, PO BOX 574, WAGNER SD 57380**

**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.



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov

February 8, 2021

3004-3

Francis J Soukup  
40229 County Rd 2  
Wagner SD 57380

Dear Mr. Soukup:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 3004-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

3004-3



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

April 13, 2021

3004-3

Francis J Soukup  
40229 County Rd 2  
Wagner SD 57380

Dear Mr. Soukup:

I am writing regarding Water Right No. 3004-3 held by Albert Soukup (copy enclosed).

In February, you returned the 2020 irrigation questionnaire and indicated the land in Section 14, T93N, R6~~8~~<sup>2</sup>W you do not have control of and should be taken off the permit. Has this land changed hands? <sup>2</sup>

Prior to doing anything with the water right, please review the enclosed copy and map and give me a call or send a letter with current ownership of the land. Specifically, who owns the land in Section 14, and do you now own the land in Sections 22 & 23, T93N, R62W or is that part still owned by Albert.

Thank you in advance for your help updating the water right.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

Genny McMath  
Water Rights Program  
605 773-3352  
[Genny.mcmath@state.sd.us](mailto:Genny.mcmath@state.sd.us)

enclosures

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

---

On June 15, 2021, and October 6, 2021, ownership changes were filed for portions of the land described in Water Right No. 3004-3.

Based on the ownership changes, Water License No. 3004-3 was divided and reissued to reflect separate ownership as follows:

- **No. 3004A-3, Francis J Soukup, 40229 County Rd 2, Wagner SD 57380** authorizing diversion of 0.99 cfs from Choteau Creek located between and including Lot 2 Section 14 and Lot 9 (resurvey of Lot 1) Section 22, T93N, R62W to irrigate 127 acres within Lots 6, 7 & 8, SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 23 and Lot 9 (resurvey of Lot 1) Section 22, all in T93N, R62W.
- **No. 3004B-3, Stanley Tjeerdsma, 40491 311<sup>th</sup> St, Avon SD 57315** authorizing diversion of 0.45 cfs from Choteau Creek located between and including Lot 2 Section 14 and Lot 9 (resurvey of Lot 1) Section 22, T93N, R62W to irrigate 57 acres within Lots 2 & 3 and Yankton Sioux Lots 1076 and 1094, all in Section 14, T93N, R62W.