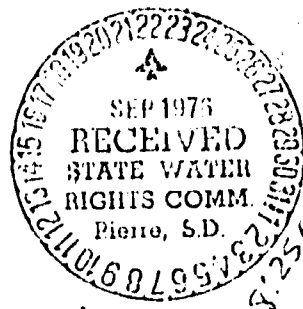


Water Right Number 3109-3

1. Considered 11-17, 1970
2. Name of Applicant JOSEPH EDELEN, JR.
3. Post Office Address VERMILLION
4. Amount of water claimed 3.70
5. Source of water supply 4 - 100' - 110' DEEP WELLS
6. Water to be used for IRRIGATION
Acres to be irrigated 258
7. Water to be diverted and used in CLAY County
about 2N 9W Miles of VERMILLION
8. Proof of Publication Received 11-2-76
Not received
9. Application Approved
Subject to
Not approved
Action deferred

10. Remarks:

Map No. 2433-3 Water Division No. 3 VERMILLION RIVER District
 (Blanks 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 Joseph R. Edelen, Jr.
 Postoffice address 301-Lewis-Street, Vermillion, State SD
 If a corporation show date and place of incorporation 311 Cambridge Street
 2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
 3. Name of diversion work Edelen #2
 4. Amount of water claimed (cubic feet per second) 4-27 MAXIMUM AVAILABLE
 5. Source of water supply well
 6. Location of point of diversion (1) center of 4-92-53; (2) center of NE $\frac{1}{4}$ 4-92-53;
(3) center of SW $\frac{1}{4}$, SE $\frac{1}{4}$ 4-92-53; (4) center of NW $\frac{1}{4}$, NW $\frac{1}{4}$ 3-92-53
 County CLAY
 7. Annual period or periods during which water is to be used May-October
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
 9. For irrigation use, Total number of acres to be irrigated 258

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.
SW $\frac{1}{4}$, SE $\frac{1}{4}$ 4-92-53	37	NW $\frac{1}{4}$, NE $\frac{1}{4}$ 4-92-53	35
NW $\frac{1}{4}$, SE $\frac{1}{4}$ 4-92-53	37	NE $\frac{1}{4}$, NE $\frac{1}{4}$ 4-92-53	35
SW $\frac{1}{4}$, NE $\frac{1}{4}$ 4-92-53	37	NW $\frac{1}{4}$, NW $\frac{1}{4}$ 3-92-53	40
SE $\frac{1}{4}$, NW $\frac{1}{4}$ 4-92-53	37		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Vermillion Plain Talk
 12. Principal Features of the Proposed Water Supply System.

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

well.

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

pump and pipe

C. Works proposed to apply water to beneficial use.

center pivot irrigationEstimated Total Cost \$ 120,000

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)

) ss.

County of Clay)

I, Joseph R. Edelen, Jr., 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

Subscribed and sworn to before me this

day of

19

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3109-3
JOSEPH R. EDELEN, JR. 301-LEWIS ST. VERMILLION
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57069 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 SEPTEMBER 22 19 76
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application OCTOBER 21 19 76
 Approved NOVEMBER 17 19 76, Recorded in Book 16 Page 202
 WATER RIGHT PERMIT NO. 3109-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3109-3 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 SEPTEMBER 22 19 76
2. The equivalent of at least one-tenth of the work above specified is to be completed on or before MAY 17 19 78
3. The whole of said work is to be completed on or before NOVEMBER 17 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 17 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 3.7 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 NOVEMBER 17 19 81; said water to be used during the following described annual period: MAY - OCTOBER

Witness my hand this 21ST day of DECEMBER 19 76

WATER RIGHTS COMMISSION

By: John Katch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 ____
 Water License Issued _____ 19 ____

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

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 36", Depth 100-110'
- (2) Casing, Type hard plastic Diameter 18" Thickness 20'
(wood, concrete, steel, etc)
- (3) Perforated Screen.
- Type slotted, Diameter 18", Length 20'
- (4) Gravel Pack, Thickness 18", Length of gravel pack 100'

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials gravel

Depth to top of water bearing material 90'

Depth to bottom of water bearing material 120'

Thickness of water bearing material 25-30'

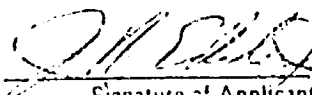
Depth to water (ground surface to water level) 10-13'

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

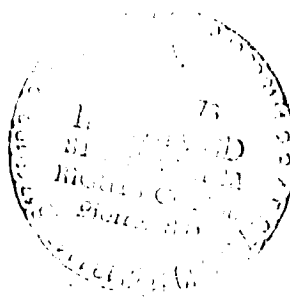
On same owner's property _____ rds. On property owned by others 60 rds.

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.


Signature of Applicant

October 13, 1976



Mr. Joseph R. Edelen, Jr.
301 Lewis St.
Verillion, SD 57069

3109-3

Dear Mr. Edelen:

Your water sample (Lab No. 76-1428) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

This water is marginally satisfactory for soils with satisfactory internal drainage. However, because a considerable portion of the land you intend to irrigate consists of very fine textured soils, or has an intermittently high water table, or both, this water will be unsatisfactory on a long time basis.

Therefore, I recommend that this application not be approved unless tile drainage is installed to relieve high water table conditions and salinity increases, which are inevitable under these circumstances.

A copy of this letter, the water analysis, and the WII form are being sent to the State Conservation Commission in Pierre for their action.

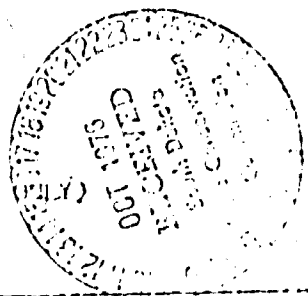
Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb
Enclosures
cc: State Conservation Commission

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



NAME Joseph R. Edelen, Jr.

ADDRESS 301 Lewis Street

COUNTY Clay Vermillion, SD 57069

LEGAL DESCRIPTION

(center of 114-92-53)

1. WELL LOCATION _____

2. LOCATION OF AREA TO BE IRRIGATED Norway Township, Clay County
(NW 1/4, SE 1/4 4-92-53, SW 1/4, NE 1/4 4-92-53, SE 1/4, NW 1/4 4-92-53,

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT XX GUN _____

4. CROPS TO BE IRRIGATED corn, alfalfa, soybeans, wheat, oats

WATER QUALITY

5. SAMPLE NUMBER 76-1428

6. SALINITY (EC X 10⁶) 1592 (high)

7. SODIUM (SAR) 1.90 (low)

8. RESIDUAL SODIUM CARBOXYLATE (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 _____ 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.

SUBSCRIBED AND SWORN BEFORE ME THIS
DAY OF Oct 1966.

(TITLE OR SEAL)

(Signature)
I hereby certify that this project can be carried out successfully in all circumstances. Individual management will, to a large degree, determine the relative success of this venture.

(Signature)
APPROVED/DISAPPROVED

SEE REPRODUCTION ON REVERSE SIDE)

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

Submitted by: Joseph R. Adelen, Jr.

Date Rec'd September 22, 1976

Address 301 Lewis St.
Vermillion, SD 57069

Sample No. 76-1428

Identification 111-

1774, Sec. 3, T. 9N, R. 53E

WATER ANALYSIS

Calcium (Ca)	152	ppm*	7.60	me/l**
Magnesium (Mg)	43	ppm	3.23	me/l
Sodium (Na)	103	ppm	4.48	me/l
Potassium (K)	17	ppm	0.44	me/l
Sulfate (SO ₄)	335	ppm	6.97	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	7	ppm	0.20	me/l
Bicarbonate (HCO ₃)	622	ppm	10.20	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)	510	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1592	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.40			
Sodium	27.9%	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.28			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations	16.05	me/l
Total anions	17.37	me/l

By: Shirley Mittan

Service Performed	Amount Due
Irrigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1428

Amount Enclosed \$

Signed

Form 6. - Notice Intent to Appropriate Water

No. 3109-3

Publish first publication, on or before

November 4, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 25, 1976

Notice is hereby given that Joseph R. Edelen, Jr.

whose post office address is Vermillion, 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 3.7 cubic feet of water per

second of time from that ground water through the

Edelen # 2, the point of diversion of which are to

be located in the Center of Section 1; center of NW 1/4; center SW 1/4; SW 1/4

Section 4; Center of the NW 1/4 NW 1/4

of Section 3, Twp. 92N, Range 53W. Said water to be used for the purpose of providing irrigation on the following described land:

NW 1/4 NW 1/4, Section 3; NW 1/4 SE 1/4, SE 1/4 NW 1/4, NW 1/4 NE 1/4, SW 1/4 NE 1/4, Section 4,
T 92N, R53W

This application No. 3109-3 will be considered by the Water Rights Commission at the Marvin Hughitt Hotel in Huron, South Dakota upon the 17th day of November, 1976 at 12:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFIJ/bw

cc Joseph R. Edelen, Jr, 301 Lewis Street, Vermillion, SD 57069

No. 3109-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clay) ss.

I, Pam Juttelstad hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Plain Talk

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

Oct 28, 1976

Nov 4, 1976

Marjorie D. Jones
(Signature)

(Title)

Nov 4, 1976
(Date Signed)

Notice of Intent
To Appropriate Water

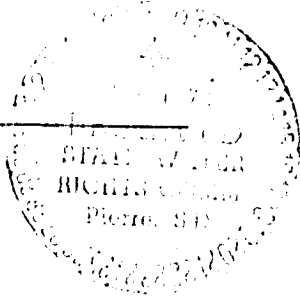
Notice is hereby given that Joseph R. Edelen, Jr., whose post office address is Vermillion, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.7 cubic feet of water per second from ground water through the Edelen No. 2, the point of diversion of which are to be located in the center of Section 4; center of NE 1/4; center SW 1/4 SE 1/4, Section 4; Center of the NW 1/4 NW 1/4 of Section 3, Twp. 92N, Range 53W. Said water to be used for the purpose of providing irrigation on the following described land:

NW 1/4 NW 1/4, Section 3; W 1/2 SE 1/4, SE 1/4 NW 1/4; N 1/2 NE 1/4, SW 1/4 NE 1/4, Section 4, T 92N, R53W.

This application No. 3109-3 will be considered by the Water Rights Commission at the Marvin Hughitt Hotel in Huron, South Dakota upon the 17th day of November, 1976 at 10 a.m. All interested persons may appear and be heard.

Water Rights Commission
Burton F. Jones

Water Rights





Department of Water & Natural Resources

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

March 23, 1987

JOSEPH R EDELEN JR
311 CANBY ST
VERMILLION, SD 57069

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 2826-3, 3109-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre 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(s), the Water Management Board can:

1. Amend Permit No(s). 2826-3, 3109-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

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

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

April 29, 1987

2826-3
3107-3

Joseph R Edelen, Jr.
311 Canby St
Vermillion, SD 57069

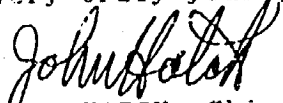
Dear Mr. Edelen:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 2826-3 and 3107-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

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

If you have any questions, please contact us.

Very truly yours,


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



3109-3

Department of Water & Natural Resources

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

January 29, 1988

JOSEPH R EDELEN JR
311 CANBY ST
VERMILLION, SD 57069

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 3109-3, 2826-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9.00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre 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(s), the Water Management Board can:

1. Amend Permit No(s). 3109-3, 2826-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

March 1, 1988

2826-3
3109-3

Joseph R Edelen, Jr
311 Canby St
Vermillion SD 57069

Dear Mr. Edelen:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2826-3, 3109-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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



Department of Water & Natural Resources

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

February 8, 1989

JOSEPH R EDELEN JR
311 CANBY ST
VERMILLION, SD 57069

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). 2826-3, 3109-3. 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). 2826-3, 3109-3 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, Chief Engineer
Water Rights Division
605 773-3352



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

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

March 9, 1989

NOTICE OF AMENDMENT OF WATER PERMIT

TO: Joseph R Edelen, Jr.
311 Canby St
Vermillion SD 57069

FROM: Delvin D Brosz, P.E. *Delvin D. Brosz*
Hydrologist
For John Hatch, Chief Engineer
Water Rights Division

SUBJECT: Amendment to Water Permit No(s). 2826-3, 3109-3

Pursuant to the provisions of the notice dated February 8, 1989, and following the Hearing March 1, 1989, the Water Management Board has amended Water Permit No(s). 2826-3 and 3109-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation.

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

3109-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JOSEPH R EDELEN JR
311 CANBY ST
VERMILLION SD 57069

NOTICE

RE: Violation of Water Permit No(s) 2826-3 & 3109-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 2826-3 & 3109-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2826-3 & 3109-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 2826-3 & 3109-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

Very truly yours,

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

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 Fee will provide you the signature of the person delivered to and the date of delivery.

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:

3109-3

JOSEPH R EDELEN JR
311 CANBY ST
VERMILLION, SD 57069

4a. Article Number

P906 557 783

4b. Service Type

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

7. Date of Delivery

1-30

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

5. Signature (Addressee)

6. Signature (Agent)

PS Form 3811, November 1990 *U.S. GPO: 1991-287-066

DOMESTIC RETURN RECEIPT

3109-3



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

March 9, 1992

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: JOSEPH R EDELEN JR
311 CANBY ST
VERMILLION, SD 57069

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 *Ron Duvall*

SUBJECT: One Year Suspension of Water Permit No(s).
2826-3 & 3109-3

Pursuant to the provisions of the notice dated January 27, 1992, and following the hearing of March 4, 1992, the Water Management Board has ordered:

That Water Permit No(s). 2826-3 & 3109-3 be SUSPENDED until December 31, 1992. Suspension of the permit(s) does not excuse the permit owner from the requirement to submit the 1991 irrigation questionnaire.

Suspension of a permit means water may not be pumped during the 1992 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension(s), you will need to submit a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 6-7, 1992 in Pierre. The letter should include your reasons for not completing the irrigation questionnaire(s) prior to the March Board meeting.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 24, 1992

2826-3

3109-3

Joseph R Edelen, Jr
311 Canby Street
Vermillion, SD 57069

Dear Mr. Edelen:

Your 1991 irrigation questionnaires for Water Permit Nos. 2826-3 and 3109-3 were received March 11, 1992. Unfortunately, receipt of the questionnaires does not lift the suspension of the permits.

As stated in our Notice to you dated March 9, 1992, the Water Management Board suspended Water Permit Nos. 2826-3 and 3109-3 until December 31, 1992. If you wish to petition the Water Management Board to rescind the suspensions, you will need to submit a letter to our office requesting time on the agenda for the Board's May 6-7, 1992 hearing. The letter should include your reasons for not completing the irrigation questionnaires prior to the March Board meeting.

If you have any questions, or need assistance with the letter requesting time on the agenda, please contact Genny McMath, at (605) 773-3352.

Very truly yours,

Ron Duvall
Natural Resources Engineer IV
Water Rights Division

3109-3

JOE and MARY EDELEN

311 Canby Street
Vermillion, SD 57069

1 May 1992



Ron Duvall
Natural Resources Engineer IV
Water Rights Division
Dept. of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Mr. Duvall:

I would like to request time on the agenda for the Water Management Board's May 6-7 meeting to request that the suspension of my water permits be rescinded.

The reasons for my not filing my questionnaire on time all relate to time and oversight. Several years ago I quit farming because I did not have enough time to do that, work full time and give adequate time to my family (we have three children growing up who deserve as much time as parents are willing to give). So, I am not currently, and have not been for three years, active in farming.

Secondly, in the winter months my wife is out of town and I assume the role of "Mr. Mom". That take a considerable amount of time.

Third, my farm is about 8 miles from where I live and I just did not make the time to take a trip out there this winter (I am rarely at the farm any time of the year now, but almost never in the winter).

Fourth, I plain forgot about filling out the form. I had a vague recollection that it was due the end of March, that is why I filed it when I did. However, when I got it ready I did read on your information sheet that it was due in early, not late, March.

I am requesting that your Committee rescind my suspension. I made no deliberate attempt not to provide you with the information requested. It was just something that I did not get done this year.

Moreover, the farmer who rents this land depends on this water for his livelihood. Not being permitted to pump water this summer would be a severe financial blow to him, not to mention my family also.

I will phone your office on Monday to find out what time you would like me to be in Pierre for a Committee appearance.

Sincerely,

Joe Edelen
Joe Edelen



3109-3

Joseph R Edelen, Jr
Water Permit Nos. 2826-3/3109-3

GENERAL

Applications submitted by: Joseph R Edelen, Jr
311 Canby Street
Vermillion, SD 57069

County: Clay

Permit No. 2826-3 Approved: July 22, 1976
Permit No. 3109-3 Approved: November 17, 1976

Purpose: No. 2826-3 - Diversion of 4.00 cfs from three
wells to irrigate 280 acres
No. 3109-3 - Diversion of 3.7 cfs from four
wells to irrigate 258 acres

Both permits were AMENDED March 1, 1989 for nonreturn of the
1988 irrigation questionnaire.

FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

<u>Year</u>	<u>Date Request Mailed</u>	<u>Date Irrigation Questionnaire Returned</u>	<u>Date of any Board Action</u>
1987	October, 1987	February 29, 1988	none
1988	October, 1988	April 11, 1989	March 1, 1989
1989	October, 1989	January 6, 1990	none
1990	October, 1990	received: no date stamped on forms	
1991	October, 1991	March 11, 1992	March 4, 1992

PAST VIOLATIONS:

1. 1991 Irrigation Questionnaire Violation

January 27, 1992, Mr. Edelen was given notice of permit violation and of the hearing scheduled before the Water Management Board to be held March 4, 1992.

March 4, 1992, The Water Management Board SUSPENDED Water Permit Nos. 2826-3 and 3109-3 until December 31, 1992.

March 9, 1992, permit holder was notified of the one year suspension of Permit Nos. 2826-3 and 3109-3.

March 11, 1992, the 1991 irrigation questionnaires were received from Joseph Edelen, Jr.

May 4, 1992, received a letter from Mr. Edelen requesting time on the Board agenda for reconsideration of suspended permits.



May 12, 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: Joseph R Edelen, Jr., 311 Canby St, Vermillion, SD
57062

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

SUBJECT: Reinstatement of Water Permit Nos. 2826-3 and 3109-3

Pursuant to your letter of May 4, 1992 and following a hearing by the Water Management Board May 6, 1992, the Board passed the following motion:

Water Permit Nos. 2826-3 and 3109-3 are reinstated effective immediately.

The Water Management Board took into consideration that the irrigation questionnaires were now on file in the Division office and that this was your first violation. Your attendance at the hearing to explain the circumstances involving the delay in returning the questionnaire was favorable.

You should be aware, however, that future questionnaire violations could result in suspension or possible cancellation of the permit with no opportunity for reinstatement.

Violations of any qualifications on irrigation permits and subsequent Board action become part of the permanent record. This notice will be placed in Water Permit Nos. 2826-3 and 3109-3 and failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

As stated at the hearing, it is possible to mail the yearly irrigation questionnaires directly to the person renting your land. Adding a "renter" notation to the file for mailing purposes does not alter ownership of the water permits. If you would like the questionnaires directed to the renter, please send us his name and mailing address. The 1992 irrigation questionnaires will be mailed in October, 1992.

cc: Diane Best, Assistant Attorney General

CERTIFICATION



February 4, 1997

3109-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: JOSEPH R EDELEN JR, 311 CANBY ST, VERMILLION, SD 57069

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

SUBJECT: Violation of Water Permit No(s). 2826-3 & 3109-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2826-3 & 3109-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2826-3 & 3109-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2826-3 & 3109-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 1997

2826-3

3109-3

Joseph R Edelen, Jr
311 Canby St
Vermillion, SD 57069

Dear Mr. Edelen:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of Water Permit Nos. 2826-3 & 3109-3.

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 and if you have any questions, please contact me.

Sincerely,

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

Permit No. 3109-3

Vermillion River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Joseph R. Edelen, Jr. of 311 Canby street, Vermillion, SD 57069 holder of Permit No. 3109-3, bearing the priority of September 22, 1976 authorizing the diversion of 3.7 cu. ft. per second of the waters of ground water for irrigation purposes, in Clay County.

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

A. Works used to divert the water:

Western Land Roller pump (no tag, 900 GPM), General Electric motor (Model no. 5K6258XH1A, 75 HP, Serial no. EHJ519413), Well (well log unavailable, 18 inch plastic casing approximately 100 feet deep, 20 feet of which is slotted)

B. Works used to transport water to place of use:
15 feet of 8 inch aluminum pipe

C. Works used to apply water to beneficial use:

Lockwood Center Pivot (10 towers with end gun, Model #2200, Serial no. 809576)

The system is in the following condition good. The point of diversion is located 15 feet south of the center of Section 4, T92N R53W. The works are capable of diverting and conveying to the place of use 2.0 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:

All in Section 4, T92N R53W

<u>1.8 acres in the NW1/4 NE1/4</u>	<u>1.8 acres in the NW1/4 SW1/4</u>
<u>1.8 acres in the SE1/4 NE1/4</u>	<u>37 acres in the NE1/4 SW1/4</u>
<u>37 acres in the SW1/4 NE1/4</u>	<u>1.8 acres in the SE1/4 SW1/4</u>
<u>37 acres in the NW1/4 SE1/4</u>	<u>1.8 acres in the NE1/4 NW1/4</u>
<u>1.8 acres in the NE1/4 SE1/4</u>	<u>37 acres in the SE1/4 NW1/4</u>
<u>1.8 acres in the SW1/4 SE1/4</u>	<u>1.8 acres in the SW1/4 NW1/4</u>

comprising a total of 162.4 acres of land and the license should be issued for 2.0 cfs.

Application permit qualifications have been complied with __X__ Yes ___ No

Exceptions to compliance are: none Date September 27, 1990

David S. Brown
Natural Resources Engineer II
DWRN, Water Rights Division

Permit # 3109-3

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: SW 1/4 NE 1/4 Section 4 Township 28N Range 3 14W
Well owner Joseph R. Edelen, 301 Lewis Street, Vermillion, SD, 57069
(Name) (Address)
Date well drilling completed 11/18/76 Purpose of well irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0' - 3'	top soil	Depth to static water level <u>12</u> ft.
3' - 39'	fine sand	Name of producing aquifer (if known) _____
39' - 43'	coarse sand	Total depth of drill hole <u>111</u> ft.
43' - 68'	fine sand	Depth to bottom of casing <u>91</u> ft.
68' - 70'	coarse sand (streak of clay)	Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
70' - 85'	fine sand (mixed gravel streaks)	91' of 16" transite casing
85' - 111'	coarse sand & gravel	Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		20' of 16" transite screen
		If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

Nichols Well & Pump Co.

Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump XXXX Western Land Roller 6 stage HP 75
Type of pump turbine Capacity of installed pump 850 G.P.M.
Depth of pump placement 50 ft., Date of pump installation 12/23/76

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed 50 ft., tube diameter 1/4,
tube material steel Plastic

Nichols Well & Pump Co.
Name of Pump Installation Contractor



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 11, 1995

Joseph Edelen, Jr.
311 Canby Street
Vermillion SD 57069

Dear Mr. Edelen:

Several years ago Water Permit Nos. 2826-3 and 3109-3 were inspected by staff engineers. The inspections indicated that the systems were not developed as originally permitted. The following describes how the applications can be made to comply with state statutes.

Enclosed are application forms to change the location of the irrigated acres authorized by Water Permit No. 3109-3 to include all the lands actually irrigated. Please review the application forms for accuracy and have them signed and notarized. The filing fee for an application to change the location of irrigated acres is \$50.00. You should be aware the payment of the required public notice in a local newspaper will be your responsibility.

Water Permit No. 2826-3 contained errors in Section number and Range described in the advertised public notice. The discrepancies found for Water Permit No. 2826-3 can be addressed by readvertising the public notice. This can be done in conjunction with the public notice regarding the change of acreage on Water Permit No. 3109-3.

After Water Permit Nos. 2826-3 and 3109-3 are in compliance with state statutes, the water licenses can be issued. The water license is the final action for obtaining a water right. For your information, the inspection fee for each permit is \$50.00. This fee will be assessed after the amendments are made to the water permits.

If you have questions, please contact me or Eric Gronlund.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosures

FORM 2: Application for Irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

Application For Permit To Appropriate Water For Irrigation

Type of Application: _____ New _____ Vested Right -X- Amendment/Correction to Permit No. 3109-3
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.) _____

Change the location of existing irrigation authorized by Water Permit No. 3109-3 _____

1. Name of Applicant Joseph R. Edelen, Jr. ☐ Owner ☐ Tenant/Lessee Phone 677-6082
(check one) (Use predates Mar 2, 1955)
- Mailing Address 311 Canby St. Vermillion State SD 57069
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed no additional *CFS or _____ *GPM _____ ***AF _____ Total Acreage no additional
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply groundwater
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
15 feet south of the center of Section 4-T92N-R53W
County Clay
5. County or counties where water will be used Clay
6. Annual period during which water is to be used May 1 - October 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 NW 1/4 Section 4-T92N-R53W	1.8	NW 1/4 SW 1/4 Section 4-T92N-R53W	1.8
SW 1/4 NW 1/4 "	1.8	NE 1/4 SW 1/4 "	37
SE 1/4 NE 1/4 "	1.8	SE 1/4 SW 1/4 "	1.8
NE 1/4 SE 1/4 "	1.8		

8. Give a description of the project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of _____ ss

I, _____, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed _____

Subscribed and sworn to before me this _____ day of _____ 19 _____

Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 30, 1995

Joseph R. Edelen
311 Canby Street
Vermillion, SD 57069

Dear Mr. Edelen:

I am writing as a follow-up to our phone conversation regarding Water Permit Nos. 2826-3 and 3109-3. You asked that I provide an explanation of the process for applying for additional acres to Permit No. 3109-3 and the reason that necessitate readvertisement of Permit No. 2826-3.

Water Permit No. 3109-3, as approved in 1976, appropriating 3.7 cubic feet of water per second (cfs) from up to four wells for irrigation of 258 acres. An inspection of the permit found less than 258 acres developed. However, acreage in the SW $\frac{1}{4}$ Section 4, T92N, R53W which was not permitted was found being irrigated. During our discussion, you explained that you developed your pivot in Section 4 to run a $\frac{3}{4}$ circle in portions of the NW $\frac{1}{4}$, NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of Section 4 and this was the only acreage developed under Permit No. 3109-3. The SW $\frac{1}{4}$ is owned by a neighbor and during a drought year the pivot was allowed to run full circle. I explained that the operation of the pivot in the SW $\frac{1}{4}$ is not currently authorized by Permit No. 3109-3. A water permit for these additional acreage is necessary if future plans include allowing the pivot to operate in the SW $\frac{1}{4}$.

Enclosed is an application form and instruction sheet if you choose to apply for a water permit for the irrigation of the SW $\frac{1}{4}$. Once an application is submitted, a staff report and recommendation is prepared. A notice of hearing is then published in a local newspaper pursuant to SDCL 46-2A-4. If the application is not opposed, the process of obtaining a water permit generally takes 2 $\frac{1}{2}$ months. If opposed, obtaining a permit may take 6 months and then may be subject to appeal to the circuit courts.

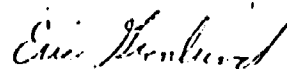
Water Permit 2826-3 contained errors in the notice of hearing published July, 1976 in the Yankton Daily Press & Dakotan. Water Permit No. 2826-3 was to appropriate 4.0 cfs to irrigate 280 acres located in the SW $\frac{1}{4}$ Section 10, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 15, and S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16; all in T92N, R53W. The errors in the publication notice included: 1) acreage in Section 10 was incorrectly listed as being in the NW $\frac{1}{4}$; 2) acreage in Section 15 was listed as being in Section 5; and 3) the Range was listed as being R52W (this error was recognized by the Board at the hearing). In addition, Water Permit No. 2826-3 authorized diversion from three wells and the inspection found four wells being utilized under this Permit. Permit No. 2826-3 needs to be readvertised to correct the errors in publication. The additional

well can be included in this readvertisement. Readvertisement is to ensure proper public notice is given and must be done prior to licensing. The Water Rights Program will pay the cost of the readvertisement.

Once Water Permit No. 2826-3 is readvertised, Permit Nos. 2826-3 and 3109-3 will be licensed in accordance with SDCL 46-5-30.1. You should be aware that the a \$50 fee will be assessed for each of the permits. This fee is established by SDCL 46-2-13(3).

I am enclosing a copy of SD water rights law and administrative rules. If you have any additional questions or clarification, do not hesitate to contact me.

Sincerely,



Eric Gronlund
Water Rights Program
605 773-3352

enclosures



September 24, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Joseph R. Edelen
311 Canby Street
Vermillion, SD 57069

Dear Mr. Edelen:

A little over a year ago I discussed water right permitting issues with you regarding Water Permit Nos. 2826-3 and 3109-3. These are two water permits you hold for irrigation. Instead of going into a length discussion of our past conversation, I am sending you a copy of my letter from August 30, 1995.

We recently completed the readvertisement of Water Permit No. 2826-3. This Permit is ready for licensing.

I did not receive a response from you regarding Water Permit No. 3109-3. The licensing investigation of Permit No. 3109-3 by Water Rights personnel found that some of the irrigated acres differed from acreage authorize by the water permit. Specifically, the pivot during dry years was allowed to run full circle. This includes a portion of your neighbor's property in a portion of the SW1/4 of Section 4, T92N, R53W. An amendment to Permit No. 3109-3 to change acres is necessary if operating the pivot in the SW1/4 will continue.

Once again I have enclosed a copy of a partially completed application form to apply for a water permit to irrigate the portion in the SW1/4. If you do not intend to allow the pivot to irrigate in the portion of the SW1/4, please let me know. The water permit can be licens:ed for 3/4 circle in portions of the NW1/4, NE1/4 and SE1/4 of Section 4.

You should be aware state statutes require that we charge a \$50 fee for the issuance of the Water License. This fee is established by SDCL 46-2-13(3). Licensing defines the extent you developed your system and is the final step in securing your legal right to use water.

If you have any questions or need clarification, do not hesitate to contact me.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 2, 1998

2826-3
3109-3

Joseph R Edelen, Jr.
311 Canby Street
Vermillion SD 57069

Dear Mr. Edelen:

A review of our files indicates that the investigation of your water use systems, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 2826-3 and 3109-3, was completed several years ago. Your final water right document, the Water License, can be issued.

Statutes require that we charge a \$50.00 fee for each investigation and issuance of the Water Licenses. Upon receipt of the \$100.00 fee from you, we will process the Water Licenses.

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

Sincerely,

Cheryl E. Frost
Secretary
Water Rights Program
(605) 773-3352

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 20, 1998

Permit Nos. 2826-3
3109-3

REMINDER NOTICE

TO: Joseph R. Edelen, Jr.
311 Canby Street
Vermillion, SD 57069

FROM: John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Water License/Investigation Fee Requirement

On January 2, 1998, we advised you that a \$50.00 fee per license (\$100.00 total) is due for the completed investigation of Water Permit Nos. 2826-3 and 3109-3. The fee also covers issuance of your water licenses which is the final document in obtaining and perfecting a water right.

To date, we have not received the \$100.00 fee; therefore, we can not issue the water licenses. Your licensed water rights will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

Please remit the fee as soon as possible to obtain your water licenses. In addition, South Dakota water law does not allow water to be diverted until the license fees are paid. To avoid jeopardizing your ability to use water, please send the fee to the following address:

Department of Environment and Natural Resources
Water Rights Program
523 E Capitol
Pierre SD 57501-3181

Thank you for your prompt response. If you have any questions or believe our records are in error, please contact Genny McMath at (605) 773-3352.

3109-3

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- 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 (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

2826-3
3109-3

Joseph R. Edelen, Jr.
311 Canby Street
Vermillion, SD 57069

4a. Article Number

Z 119 141 541

4b. Service Type

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

7. Date of Delivery

5-22-98

5. Received By: (Print Name)

Mary B. Edelen

6. Signature: (Addressee or Agent)

X/27. Edelen

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

Thank you for using Return Receipt® Service.

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

3109-3

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Joseph Edelen

ADDRESS: 311 Canby St, Vermillion, SD 57069

COUNTY: Clay

DATE: July 17, 1998

TELEPHONE: 605 677-6082

RE: license fee

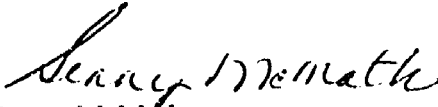
COMMENTS:

Mr. Edelen called wondering if he had paid license fee for 2826-3 and 3109-3. I reviewed the files and told him we had not received payment. He questioned what the fee was for and I explained the permitting and licensing requirements to him.

He inquired why it had taken so long to get this far in the process. I explained that back when the system was originally investigated, additional acreage was found that needed permitting. Application forms were sent to him to file for the additional acreage and he never filed the application. In January, 1998, we made the assumption that he was no longer going to irrigate the land and decided to issue the license for the part originally authorized. Prior to issuance of a water license, we needed to obtain the fee from him.

He indicated the land in question has not been irrigated for years because the owner felt it was not worth the hassle and was too expensive to obtain a permit. I told him if that was the case, we could proceed with licensing upon payment of the fee.

He said he would mail \$100.00 (for the two permits) in today.


Genny McMath
Environmental Scientist

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 415824

Pierre, July 20, 19 98

RECEIVED OF Joe or Mary Edelen, 311 Canby St., Vermillion, SD 57069
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. 3109-3

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By _____
Chief Engineer

John Hatch

Permit No. 3109-3
Vermillion River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, September 27, 1990, made a thorough examination of the water use system constructed by Joseph R Edelen, Jr. of 311 Canby Street, Vermillion SD 57069 holder of Permit No. 3109-3, bearing the priority of September 22, 1976 authorizing the diversion of 3.7 cubic feet per second (cfs) of the waters of groundwater for irrigation purposes, in Clay County.

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

A. Works used to divert the water:

Western Lake Roller pump (no tag, 900 gpm), General Electric motor (Model No. 5K6258XH1A, 75 HP, Serial No. EHJ519413)

Well (well log unavailable, 18 inch plastic casing approximately 100 feet deep, 20 feet of which is slotted)

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

15 feet of 8 inch aluminum pipe

C. Works used to apply water to beneficial use:

Lockwood center pivot (10 towers with end gun, Model #2200, Servile No. 809576)

The system is in the following condition good. The point of diversion is located 15 feet south of the center of Section 4-T92N-R53W. The works are capable of diverting and conveying to the place of use 2.0 cfs of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 4-T92N-R53W	SE 1/4 NW 1/4	37 acres
	SW 1/4 NE 1/4	37 acres
	NW 1/4 SE 1/4	37 acres

comprising a total of 111 acres of land and the license should be issued for 1.58 cfs.

Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are: none

Inspected September 27, 1990 by David Brown, Staff Engineer. Inspection report reviewed by:

Gale N. Selken

Gale Selken
 Natural Resources Engineer
 DENR, Water Rights Program

21 July 98
 date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 8 1998

2826-3

3109-3

Joseph R. Edelen, Jr.
311 Canby Street
Vermillion, SD 57069

Dear Mr. Edelen:

Enclosed are Water License Nos. 2826-3 and 3109-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 415823 and 415824 in the amount of \$50.00 each which you paid for the investigation and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 2826-3 and 3109-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

ks
enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3109-3

(1) Joseph R Edelen, Jr., 311 Canby Street, Vermillion SD 57069 made Application No. 3109-3, September 22, 1976 for a water permit to divert 3.7 cubic feet of water per second from groundwater (three wells), Clay County, South Dakota for irrigation purposes. Permit No. 3109-3, with a priority date of September 22, 1976 was approved November 17, 1976 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 17, 1979 and for the application to beneficial use of said water on or before November 17, 1981.

(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 1.58 cubic feet of water per second for beneficial use. The location of the diversion point is 15 feet south of the center of Section 4-T92N-R53W.

(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:

All in Section 4-T92N-R53W	SE 1/4 NW 1/4	37 acres
	SW 1/4 NE 1/4	37 acres
	NW 1/4 SE 1/4	37 acres
	Total	111 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Joseph R Edelen, Jr., 311 Canby Street, Vermillion SD 57069 the holder and/or owner of Water Permit No. 3109-3 is issued a license to appropriate water, the right to use 1.58 cubic feet of water per second from groundwater (one well) with a priority date of September 22, 1976 from the location specified in (2) of this license. The water to be 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. 3109-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 8 1998

date





3109-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

NOTICE

TO: JOSEPH R EDELEN JR, 311 CANBY ST, VERMILLION, SD 57069

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2826-3 & 3109-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2826-3 & 3109-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2826-3 & 3109-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



3109-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2005

2826-3
3109-3

Joseph R Edelen
311 Canby St
Vermillion SD 57069

Dear Mr. Edelen:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 2826-3 and 3109-3.

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

(6-12)
(6-m275)

Map prepared by
David Brown
Natural Resources Engineer II
DWR, Water Rights Division
Pierre, SD
10/12/90

~~NO PIRACY~~

Total Acreage = 162.4

1.8 acres

115.4

T-817

1.8 acres

SW 1/4 of Section 4
Not owned by
Joseph E. H. Jr.

T 917
20.0
Irr

(6-51)
6-M307

37 acres

c.p. 4

well
10 towers

(6-122)
(6-m275)

37 acres

1. Bares

894-5

43.0
T. 1409

↑
9/27/90
↓

39.5
1009

6-79

Field Inspected 9/27/90

Note: Areas colored Red
are not covered by
a Water Permit.
Areas hatched with
blue lines are covered
by a Water Permit.

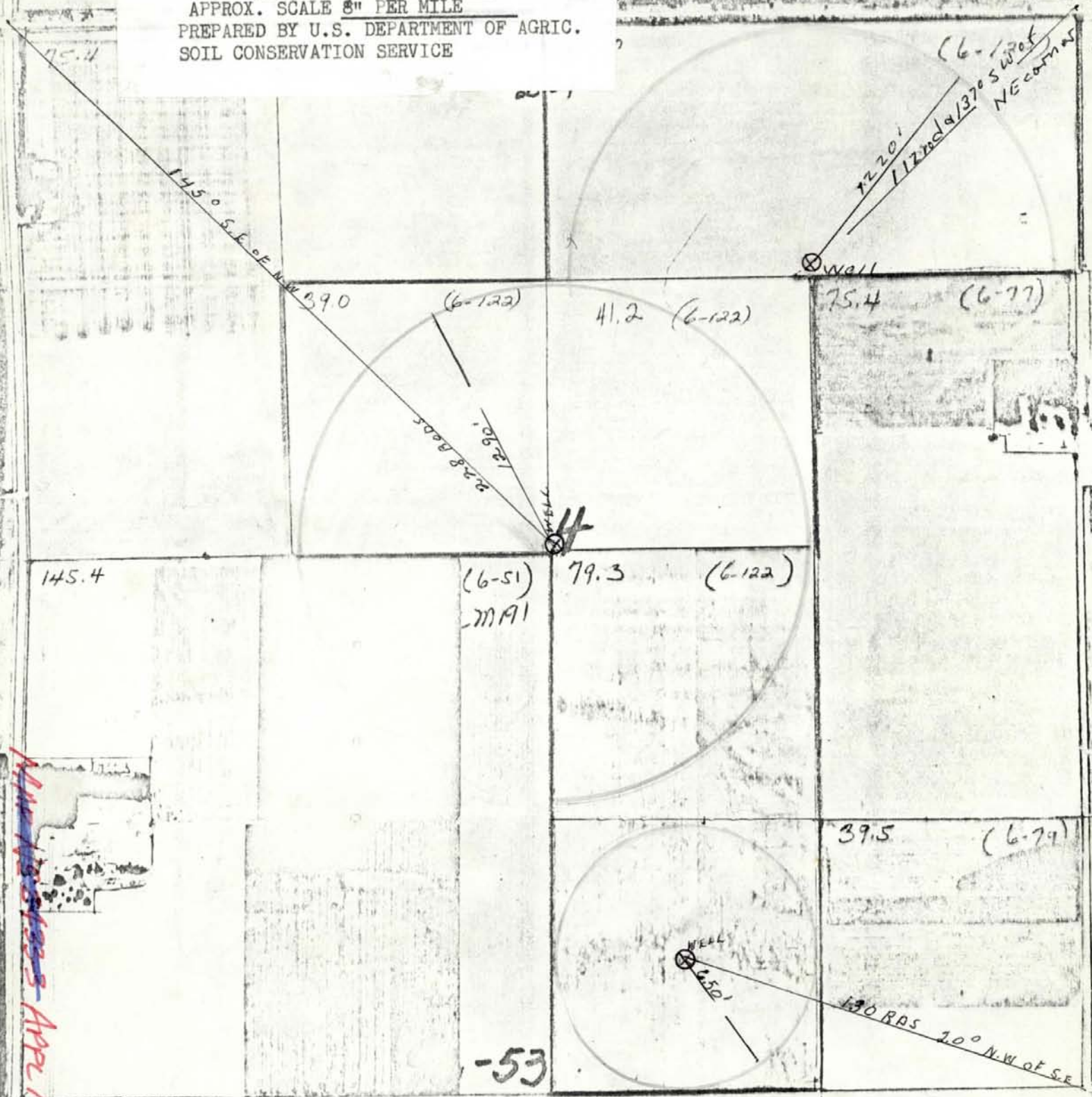
Scale

1" = 651 Feet
10/12/90 Q2B

①
92-53

LAND USE MAP
 CLAY COUNTY CONSERVATION DISTRICT
 OWNER MARY EDELEN
 COUNTY CLAY STATE S. DAK.
 APPROX. SCALE 8" PER MILE
 PREPARED BY U.S. DEPARTMENT OF AGRIC.
 SOIL CONSERVATION SERVICE

-53



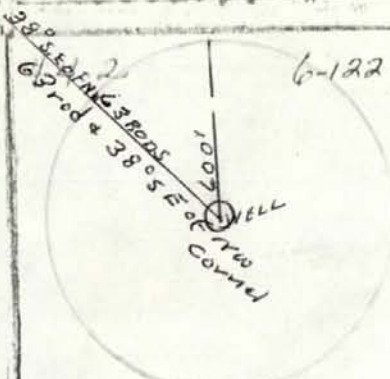
-53

MM 1081223 APR 10 3104-3

LAND USE MAP
 CLAY COUNTY CONSERVATION DISTRICT
 OWNER MARY EDELEN
 COUNTY CLAY STATE S. DAK.
 APPROX. SCALE 8" PER MILE
 PREPARED BY U.S. DEPARTMENT OF AGRIC.
 SOIL CONSERVATION SERVICE

6-M150
 6-114

201937



73.4 (6-77) 37.2 (6-77)

99.0 6-M152
 6-151

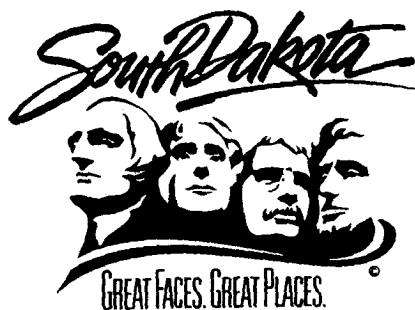
39.6 (5-157)

3
 38.0 6-M152

18.6 19.4 38.8
 6-M152 (6-64)

99.4 (6-M147)
 6-M146

92-53



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 18, 2008

NOTICE

TO: JOSEPH R EDELEN JR, 311 CANBY ST, VERMILLION, SD 57069

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2826-3 & 3109-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2826-3 & 3109-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2826-3 & 3109-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

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

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Label/Receipt Number: 2303 2160 0000 0802 2816
Status: **Delivered**

Your item was delivered at 8:44 AM on January 22, 2008 in
VERMILLION, SD 57069. The item was signed for by M EDELIN.

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FOIA

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 2816	
JOSEPH R EDELEN JR 311 CANBY ST VERMILLION SD 57069	
Waiver of Signature	☐ YES ☐ NO
Postmark Here	
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

March 12, 2008

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Joseph R Edelen Jr., 311 Canby St, Vermillion SD 57069

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right Nos. 2826-3 and 3109-3

On March 11, 2008, the Water Management Board ordered:

That effective April 11, 2008, Water Right Nos. 2826-3 and 3109-3 be suspended for the 2008 irrigation season for failure to submit the 2007 irrigation questionnaires.

If the 2007 irrigation questionnaires are received prior to April 11, 2008 the suspensions will not take effect.

Suspension of the water rights means water may not be pumped during the 2008 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2008 unless the irrigation questionnaires are submitted by April 11th.

After April 11th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2007 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 7, 2008 in Pierre, SD. The letter should include your reasons for not completing the 2007 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.

CERTIFICATION

I hereby certify that on March 12, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 12, 2008 regarding Board action concerning irrigation questionnaire violations addressed as stated below:

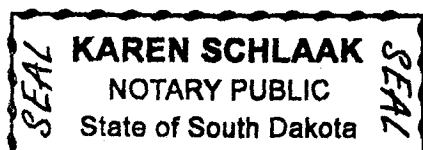
Nos. 400-2, 401-2, 1714-2, 2063-2 Melvin Brassfield Box 24 Caputa SD 57725	No. 5600-3 Castlewood Community Golf Course In 411 E Cemetary Rd Castlewood SD 57223-2206	Nos. 407-2, 408-2 & 409-2 Miles DeJong DeJong Ranch 31842 DeJong Rd Kennebec SD 57544-5999
No. 1755-1 John Bachman, Mayor City of Eagle Butte PO Box 150 Eagle Butte SD 57645-0150	Nos. 6792-3 & 6793-3 Dennis Mitchell Eagle Venture PO Box 711 Yankton SD 57078-0711	Nos. 2826-3 & 3109-3 Joseph R Edelen Jr 311 Canby St Vermillion SD 57069
Nos. 5341-3 & 5820-3 John Hartemink 5569 Pernod Dr Ft Myers FL 33919	No. 5777-3 Gerald A Person 42479 116 th St Britton SD 57430-2239	No. 2106-2 Stuart Rice 2300 Skyline Ranch Rd Rapid City SD 57701
No. 6664-3 Mike Waldner White Rock Colony 47788 th 102 nd St Rosholt SD 57260 and Gregg Magera, Attorney at Law PO Box 490 Aberdeen SD 57402-0490	No. 3791-3 Paul R Bremmon 42641 113 th St Britton SD 57430	No. 402-1 Calvin & Jana Meyers 1409 Willow Creek Estates Belle Fourche SD 57717
No. 773-1 James G & Brenda A Beauchene 10095 Borderline Rd Hettinger ND 58639	No. 2300-3 James E Dailey 48184 335 th St Jefferson SD 57038	No. 452-3 Harold Fornia 33044 484 th Ave Jefferson SD 57038
No. 3395-3 Todd Grohs 509 Slocum Ave S Wessington Springs and W H (Bill) Wittrig 13111 N Creekview Rd Rapid City SD 57702	No. 1529-3 Lloyd L Meyer 21175 396 th Ave Huron SD 57350	No. 2954-3 Lane Tekrony 47840 180 th St Clear Lake SD 57226-5405

Genny McMath
Water Rights Program

[illegible]

Sworn to, before me, this 12th day of March, 2008.

Notary Public *Karen Schlaak*



My commission expires 4/1/13



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 25, 2008

2826-3
3109-3

Joe Edelen
311 Canby St
Vermillion SD 57069

Dear Mr. Edelen:

On March 11th, the Water Management Board ordered Water Right Nos. 2826-3 and 3109-3 be suspended if the 2007 irrigation questionnaire was not received prior to April 11, 2008. The questionnaire information for your water rights has been received.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You are hereby authorized to irrigate during the 2008 irrigation season.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



3109-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2010

NOTICE

TO: JOSEPH R EDELEN JR, 311 CANBY ST, VERMILLION, SD 57069

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(s) has not been submitted for Permit No(s) 2826-3 & 3109-3. 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(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) 2826-3 & 3109-3 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 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. 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) 2826-3 & 3109-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 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. If you prefer, you can complete the questionnaire online at the following link: <https://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.



3109-3

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Label/Receipt Number: 2303 2160 0000 0802 8771

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

Your item was delivered at 12:05 PM on January 23, 2010 in VERMILLION, SD 57069. The item was signed for by M EDELEN.

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Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 23, 2010, 12:05 pm, VERMILLION, SD 57069
- Out for Delivery or Available at PO Box, January 23, 2010, 8:15 am, VERMILLION, SD 57069
- Sorting Complete, January 23, 2010, 7:45 am, VERMILLION, SD 57069
- Arrival at Post Office, January 23, 2010, 7:25 am, VERMILLION, SD 57069

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FOIA

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 8771

P

JOSEPH R EDELEN JR
311 CANBY ST
VERMILLION SD 57069

before mailing.

Waiver of Signature ☐ YES ☐ NOPostmark
Here

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PS Form 3837, May 2009



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 2010

2826-3
3109-3

Joe Edelen
311 Canby St
Vermillion SD 57069

Dear Mr. Edelen:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 2826-3 and 3109-3.

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

If you have any questions, please contact me.

Sincerely,

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

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