

C
= R.R. Wick
6-12-78

2-13-81

58' deep well 14" dia 15' screen

Arden. Sandstone 2" Pump
6-10 CH Bore...

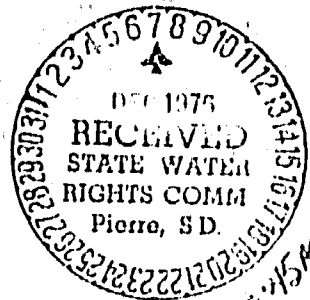
Ground by 60 HP DS Electric Motor

Well 6' dia 1/2 Pump

Electrolyzer # 680 1312
w/ motor + 100 ft of pipe

200 ft.

1. Considered 3-26 19 77 3386-3
2. Name of Applicant DON HEMMER
3. Post Office Address WATERTOWN
4. Amount of water claimed 2.1
5. Source of water supply 45' DEEP WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 156
7. Water to be diverted and used in BROOKINGS county
about 1 1/2 N miles of AURORA
8. Proof of Publication Received 1st 5-20-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 3386-3Map No. 2670-3 Water Division No. 3 BIG SIOUX 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 Don Kemmer
 Postoffice address 111 Fifth Ave NE, State Water Division S.D.
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract Individual Labor
3. Name of diversion work Don Kemmer Irrigation Project
4. Amount of water claimed (cubic feet per second) 2.1
5. Source of water supply well
6. Location of point of diversion 1860' N 135° 00' E 1/4 NE Corner Sec 27-110-49
- County Brookings
7. Annual period or periods during which water is to be used April through 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 156

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>NE 1/4 Sec 27-110-49</u>	<u>156</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Flow years. Additional time required to complete application of water to the proposed beneficial use three years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Brookings Register
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. wellB. Works proposed to transport water to place of use. closed conduitC. Works proposed to apply water to beneficial use. center pivot irrigation machineEstimated Total Cost \$ 45,000Attachments: 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 BrookingsI, Don Kemmer 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 Don KemmerSubscribed and sworn to before me this 17 day of Dec, 19 76

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3386-3

DON HEMMER
(Applicant)

111 FIFTH AVE. NE., WATERTOWN
(Post Office Address)

SOUTH DAKOTA 57201
(State)

With the following modifications:

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 adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application DECEMBER 7, 19 76

Date of return to applicant for correction, amendment or changes required _____, 19 _____

Date of receipt of corrected application DECEMBER 28, 19 76

Approved JANUARY 25, 19 78, Recorded in Book 19 Page 247

WATER RIGHT PERMIT NO. 3386-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3386-3 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 DECEMBER 7, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 25, 19 80
3. The whole of said work is to be completed on or before JANUARY 25, 19 83
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 25, 19 86
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.1 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 JANUARY 25, 19 86; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 31st day of JANUARY, 19 78

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued September 15, 19 81

Water License Issued September 15, 19 81

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

D. Well Information or Estimates

- (1) Drill Hole; Diameter 36", Depth 45'
 (2) Casing, Type Steel Diameter 14" Thickness 1/4"
 (wood, concrete, steel, etc)
 (3) Perforated Screen.
 Type Cent. Slot, Diameter 14", Length 15'
 (4) Gravel Pack. Thickness 4", Length of gravel pack 30'

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: 0' to 1' deep sand 2' to 10'
yellow clay mixed with sand.
10' to 42' gravel sand and gravel.

Depth to top of water bearing material 10'
 Depth to bottom of water bearing material 42'
 Thickness of water bearing material 32'
 Depth to water (ground surface to water level) 10'

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

On same owner's property 90 rds. On property owned by others 110 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Dean Anderson
 Signature of Applicant

By Dean Anderson Agent

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: _____

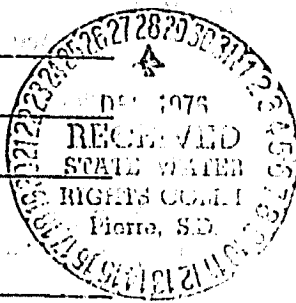
Water Quality: _____

Soils Capability: _____

Approved: John D. [Signature]

Disapproved: _____

NAME: Don Hammer
ADDRESS: 111 1st St. N.E. Watertown
COUNTY: Lincoln



LEGAL DESCRIPTION

1. WELL LOCATION: Center of NE 1/4 Sec 27 - 110 - 49
2. AREA TO BE IRRIGATED: NE 1/4 Sec 27 - 110 - 49

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (Indicate Type): Center Pivot
4. CROPS TO BE IRRIGATED: Corn & alfalfa

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: nearly level
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: See map on reverse side

WATER QUALITY (To Be Completed by Commission)

7. SAMPLE NO: 76-1966
8. SALINITY: EC = 7.24 (mod - hi borderline)
9. SODIUM: SAR = 0.39 (low)

December 20, 1976t



Mr. Don Hetmer
111 Fifth Ave. NE
Watertown, SD 57201

Dear Mr. Hetmer:

Your water sample (Lab. No. 76-1966) 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 A2S 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.

Your water, as indicated by this analysis, is satisfactory for use on the soils you indicate will be irrigated. If a salt problem or a water table problem should develop, contact extension personnel for assistance.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the State Conservation Commission for their action.

Sincerely yours,

L.O. Fine

L. O. Fine
Water Quality Lab

LOF:clb

Enclosures

cc: State Conservation Commission

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

the land capability for irrigation information has been acquired from

Brookings County Soil map

and:

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

Don Hammer
Hydrogeologist, South Dakota

Subscribed and sworn before me this

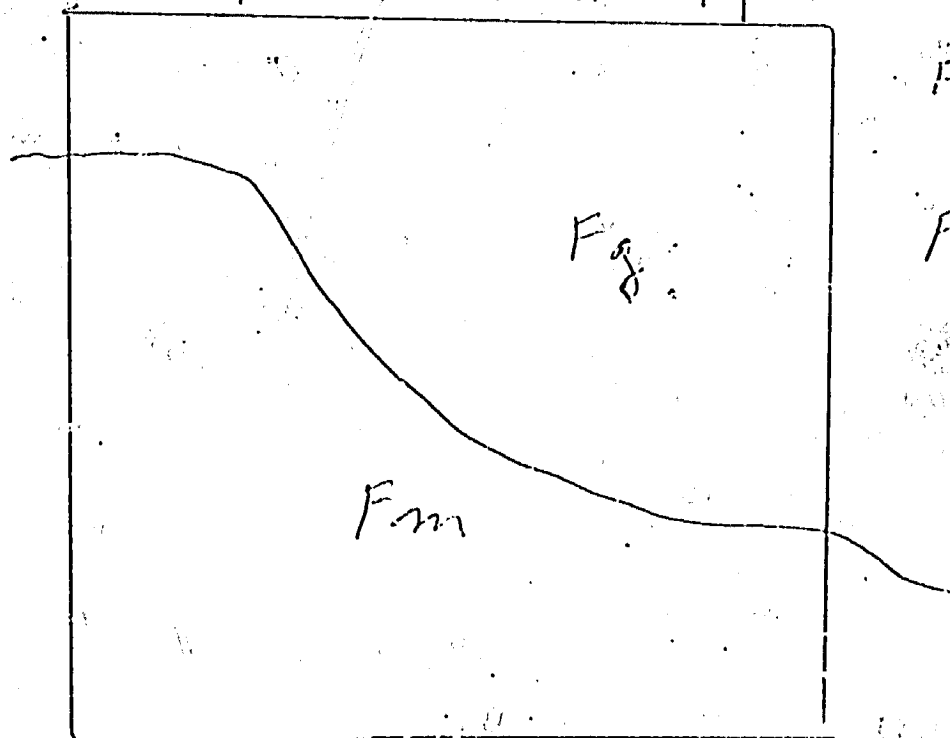
3 day of Apr 1976.

John S. Wernke

P. E. #1416

(Title)

NE ¹/₄ Sec 27 - 110 - 49



Fg - Flandy silt
loam - sandy
1121

Fm - Fordville loam
1201

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

Submitted by: Tom Kemmer
 Address: 111 5th Ave., N.E.
Watertown, SD 57201
 cc: Dean Sanderson
Aurora, SD 57002

Date Rec'd December 3, 1976
 Sample No. 76-1966
 Identification Cell-32
NE1, Sec. 27, T. 110N, R. 49W

WATER ANALYSIS

Calcium (Ca)	81	ppm*	4.05	mc/l**
Magnesium (Mg)	40	ppm	3.28	mc/l
Sodium (Na)	17	ppm	0.74	mc/l
Potassium (K)	2	ppm	0.09	mc/l
Sulfate (SO ₄)	70	ppm	1.46	mc/l
Nitrate (as N)	1	ppm		mc/l
Chloride (Cl)	23	ppm	0.64	mc/l
Bicarbonate (HCO ₃)	320	ppm	5.24	mc/l
Carbonate (CO ₃)		ppm		mc/l
Iron (Fe)		ppm		mc/l
Fluoride (F)		ppm		mc/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	262	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	724	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.30			
Sodium	9.11	% of cations		
Residual sodium carbonate	0.00	mc/l		
pH	7.98			

*ppm=parts per million

**mc/l=millequivalents per liter

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

COMMENTS: Total cations 8.12 mc/l
 Total anions 7.34 mc/l



By: Shirley Hittan

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. 76-1966

Amount Enclosed \$

Signed

Permit No. 3386-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Don Hemmer

Permit No. 3386-3, issued upon Application No. 3386-3, the holder Don Hemmer of December 7,
1976 authorizing the diversion of 2.1 cu. ft. per second of the waters of groundwater (one well) County of Brookings, State of South Dakota at in the approximate center of the NE 1/4, Section 27, T110N, R49W
for irrigation

purposes, has complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.78 cu. ft. per second of water.

Date September 15, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3386-3

(1) WHEREAS, On the 7th day of December A. D. 19 76
Don Hemmer

made Water Right Application No. 3386-3 for a permit to use 2.1 cubic feet per second of the waters
of groundwater (one well)

County of Brookings, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 25th day of January A. D. 19 78

Permit No. 3386-3, with a date of priority of December 7, 1976

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 25th day of January A. D. 19 83 and for the
application to beneficial use of said water on or before the 25th day of January A. D. 19 86

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.73 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,
to irrigate the following land all in Section 27, T110N, R49W

	acres
NW 1/4 NE 1/4 AB	33
NE 1/4 NE 1/4 AA	38
SW 1/4 NE 1/4 AC	33
SE 1/4 NE 1/4 AD	33

TOTAL 127 acres

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

of Watertown SD
the holder _____ and owner _____ of said permit No. 3386-3 a water right, dating from December 7, 1976
to use of 2.1 cubic feet per second of the waters
of groundwater (one well)

in the County of Brookings and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at a point in the approximate center of the NE 1/4,
Section 27, T110N, R49W

and conducted to and upon portions of land in NE 1/4, Section 27,
T110N, R49W, more fully described on the face of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3386-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 15th day of September A.D.

Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD:

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

No. XXXXXX 3386-3

Publish first publication, on or before May 12, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 29, 1977

Notice is hereby given that Don Hemmer
whose post office address is Watertown, 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

2.1 cubic feet of water per second of time from the ground water through the

Don Hemmer Irr. Proj. # 1, the point of diversion of which is to be located in the

center of NE $\frac{1}{4}$

of Section 27, Twp. 110N, Range 49W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

NE $\frac{1}{4}$, Section 27, T110N, R49W

This application No. 3386-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 25th day of May, 1977, at 11:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

JAMES WINTERICH
Water Rights Specialist

BFJ/bw

cc: Don Hemmer, 111 Fifth Ave. NE, Watertown, SD 57201

No. 3386-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brookings) ss.

I, James M. McLellan Jr. hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Brookings Daily Register

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 Brookings of _____

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

May 12, 1977

May 19, 1977

James M. McLellan Jr.
(Signature)

Editor - General Manager
(Title)

5-19-77

(Date Signed)

Legal No. 79 — May 12 & 19
**NOTICE INTENT TO
APPROPRIATE WATER**
Pierre, South Dakota 57501
March 29, 1977

Notice is hereby given that Don Hemmer whose post office address is Watertown, 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 2.1 cubic feet of water per second of time from ground water through the Don Hemmer Irr. Proj. No. 1, the point of diversion of which is to be located in the Center of NE¼ of Section 27, Twp. 110N, Range 49W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE¼, Section 27, T110N, R49W.

This application No. 3386-3 will be considered by the Water Rights Commission at their office at Pierre upon the 26th day of May, 1977, at 11:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
By: James Winterton
Water Rights Specialist





No. 3386-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

June 6, 1977

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

Don Hemmer
111 5th Ave. NE
Watertown, S.D. 57201

Dear Mr. Hemmer:

The Water Rights Commission deferred action on your Application

No. 3386-3 at the May 25-26, 1977 Commission meeting, pending investigation by the Commission Staff.

Although your Application has been deferred, it does retain the original priority date established when the Application was received. You will be notified when the Application will be reconsidered by the Commission.

If you have any questions, feel free to contact this Office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw



BROOKINGS COUNTY DEFERRED

5586-15

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

January 16, 1978

TO: Holders of Deferred Applications in Brookings County
FROM: John Hatch, Chief Engineer, Water Rights Commission
SUBJECT: Reconsideration of Deferred Applications

The Water Rights Commission will reconsider deferred Brookings County Water Right Applications at 2:00 P.M., January 25, 1978 at the South Dakota Education Association Building, 411 E. Capitol, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-3, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSN 52:01:01:01 thru 52:01:01:13.

These Applications were deferred by the Water Rights Commission during 1977, pending Staff investigation.

After reconsideration of the deferred Applications the Commission can approve, defer, or deny all or part of any of these Applications.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/BFJ/bw

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8443

PIERRE, September 2, 1981

RECEIVED OF Don Henner, 111-5th Ave. NE, Watertown, SD 57201
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 2296-2	50.00	
Fee for Inspecting Beneficial Use, and Issuing Water License No. 3386-3		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	50.00	

WATER RIGHTS COMMISSION

By (John Hatch)
Chief Engineer, Executive Officer
JOHN HATCH/ (bt)

Permit No. 3386-3Water Division 3 Big Sioux River Water District 10170202

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

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

I have this day made a thorough examination of the water use system constructed by DON
HEMMER of WATERTOWN holder
of Permit No. 3386-3, bearing date of priority of DECEMBER 7, 1976
authorizing the diversion of 2.1 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in BROOKINGS County.

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

The Water Use System consists of,

A. Works used to divert the water:
58' DEEP WELL 14" STEEL CASING - 15' SS SCREEN
WESTERN LAND ROLLER 8" PUMP 6-10CH
POWERED BY 60HP US ELECTRIC MOTOR @ 1760 RPM

B. Works used to transport water to place of use,
6' 10" STEEL PIPE TO CENTER OF PLOT

C. Works used to apply water to beneficial use.
ELECTROGATOR #680 CENTER PLOT SYSTEM - 1312'
LONG WITH NELSON #100 END GUN

The system is in the following condition: GOODThe point of diversion is located CENTER OF THE NE¹ SEC 27, T110N, R44WThe works are capable of diverting and conveying to the place of use 1.78 (800 GPM)cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SEC 27, T110N, R44W

<u>NW⁴ NE⁴</u>	<u>33 ACRES</u>
<u>NE⁴ NE⁴</u>	<u>28 "</u>
<u>SW⁴ NE⁴</u>	<u>33 "</u>
<u>SE⁴ NE⁴</u>	<u>33 "</u>

comprising a total of 127 acres of land.

Date AUGUST 13, 1981
Dustin Jones
(Signature)

2001 Water Management Board Irrigation Questionnaire

Please fill out and return before December 1, 2001

No. 3386-3

DEAN SANDERSON-RIFTER
21194 476TH AVE
AURORA SD 57002

Any address corrections?

Telephone No. 605 493 3716

Return the completed form to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352

1. Is the system constructed? *yes ☒ no ☐

*Type of system used (check all that apply):

center pivots ☒ towlines ☐ big gun ☐

flood ☐ sprinklers ☐ other ☐

2. Did you irrigate in 2001? *yes ☒ **no ☐

*If yes, number of acres irrigated 122

**If no, list reason(s) in comment section:

Comment Section

This quarter sold as of November 1/2001

3. Is land enrolled in CRP? *yes ☐ no ☒

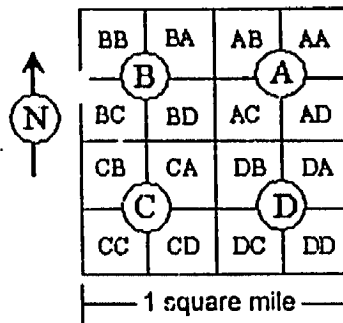
*If yes, through what year? _____

4. Did you apply chemicals or fertilizer through the system in 2001? yes ☐ no ☒

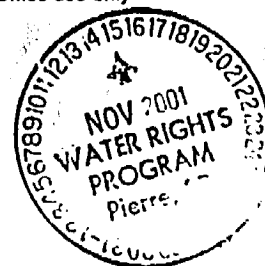
5. If permitted for more than one water source, circle each source used. 1: GROUNDWATER

2:

3:



Office use only



Acreage permitted for irrigation under No. 3386-3

(see above section map for help reading legal descriptions)

sec 27-T110N-R49W, AB -- 33.00 acres

sec 27-T110N-R49W, AA -- 38.00 acres

sec 27-T110N-R49W, AC -- 33.00 acres

sec 27-T110N-R49W, AD -- 33.00 acres

Please provide your 2001 water use to irrigate the above acreage on the REVERSE side of this form.

For a sample completed questionnaire, please refer to the reverse side of your cover letter.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 8, 2002

3386-3

Rueben Nicolai
3540 Springbrook Way
LaCrosse WI 54601

Dear Mr. Nicolai:

I am contacting you in regard to ownership of land described in Water Right No. 3386-3 (see enclosed copy). Dean Sanderson has notified our office that the land was sold as of November, 2001 to you.

In South Dakota, water rights for irrigation purposes go with the land. The water right should now be transferred to your name. Enclosed is a partially completed Notice of Transfer of Ownership form for use in filing the ownership change. Please review the form and complete as needed. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

I am also including a sample copy of the annual irrigation questionnaire. This will give you an idea of what type of records to keep track of and what we will be requesting information on in the fall of each year. If you have a renter in South Dakota that will be operating the irrigation system for you, you can forward this information to him. If you would rather that the annual questionnaires be directed to someone other than yourself, please forward me their name and mailing address and I can make the changes.

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

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

ME 417292

Pierre, August 15, 20 02

RECEIVED OF Reuben Micclai, 3540 Springbrook Way, La Crosse, WI 54601
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form 338663

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Donald S. Eubank
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3386-3

Date: _____

I/We request that Water Right No. 3386-3

formerly owned by: Don Hemmer

be transferred to: (name & address) Robert Nicolai

4900 So 33rd St LA Grange, IL 60145

Telephone No. 605 757-5685

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

127 acres - NE 1/4 Section 27, T110N, R49W

I/We understand that the validity of Water Right No. 3386-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Robert Nicolai, the new owner, certify that the above information is true and correct.

RECEIVED

AUG 15 2002

WATER RIGHTS
PROGRAM

Robert Nicolai
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 19, 2002

3386-3

Reuben Nicclai
4800 S 33rd St
LaCrosse WI 54601

Dear Mr. Nicclai:

Thank you for sending in the ownership change for Water Right No. 3386-3. The transfer has been completed. The water right, formerly held by Don Hemmer has been transferred to your name.

Enclosed is your Receipt No. 417292 in the amount of \$2.50. You may keep this for your records.

The next correspondence you will receive from us is the annual irrigation questionnaire which will be sent to you sometime in October. If you have any questions, please get in touch with me.

Sincerely,

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

enclosure

3386-3

Hi Jenny :

IN Future YEARS
Please Send The Questionnaire
directly to Me For
Processing.

THANKS
Reuben Nicolai
4800 So. 33rd St
La Crosse Wisc.
54601.

155.4

14.1

3-121

121.1

Well

1860
N 135° W

Don Hemmer
Irrigation Project #1
1515 1/2 Ave N.E.
Watertown S.D.
Beadridge County

30.4

40.6

157.2

Area irrigated - NE Sec 27 - 110-45
water claimed - 2.1 cfs
Dec 3, 1976

9.9

18.4

Certified Correct
John [Signature]
SOUTH DAKOTA

110-45

159.1

153.8

3-121

WHA 11-2070-3 APR 11 3 38 6-3

NOT TO SCALE

2328.3

~~3386-3~~

156.4

141.0

90R

27

96.0

147.8

18.7

18.8

4.5

109-48

110-49

4.9

4.6

159.1

153.8

90R

NOT TO SCALE

3386-3
~~3386-3~~

156.4

141.0

90R

27

96.0

147.8

18.4

18.8

4.5

110-49

4.9

4.6

159.1

153.8

90R

3386-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 29, 2013

Reuben Nicolai
4800 S 33rd St
LaCrosse WI 54601

Dear Mr. Nicolai:

Enclosed are the 2013 irrigation questionnaires you submitted for Water Permit or Right Nos. 2211-3, 2211A-3, 3386-3 and 4648-3.

In order for the questionnaires to be considered complete you will need to fill out the back side of all the forms. Please include the crop, number of acres irrigated, the pump rate, days per month and hours per day the systems were in operation.

The forms will need to be completed and returned to us before **December 2, 2013**. If you have any questions, please contact me.

Sincerely,

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

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

enclosures



3386-3

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 15, 2016

NOTICE

TO: REUBEN NICOLAI, 4800 S 33RD ST, LACROSSE, WI 54601

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3386-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4648-3 & 2211A-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4648-3 & 2211A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3386-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 29, 2016

2211A-3
3386-3
4648-3

Reuben Nicolai
4800 S 33rd St
LaCrosse WI 54601

Dear Mr. Nicolai:

I am writing to acknowledge receipt of the information for your 2015 irrigation questionnaires for Water Right Nos. 2211A-3, 3386-3 and 4648-3. The information was submitted by Troy Rasmussen.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for these water rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Troy Rasmussen (email)



3386-3
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: REUBEN NICOLAI, 4800 S 33RD ST, LACROSSE, WI 54601
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3386-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2211A-3, 4295-3A, 4648-3, 8189-3 & 8190-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

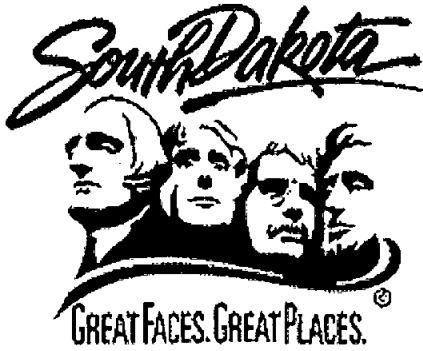
1. Suspend or cancel Permit No(s) 2211A-3, 4295-3A, 4648-3, 8189-3 & 8190-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3386-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **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 questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

3386-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2019

Reuben Nicolai
4800 S 33rd St
Lacrosse WI 54601

RE: Water Permit/Right Nos. 2211A-3, 3386-3, 4295-3A, 4648-3, 8189-3 & 8190-3

Dear Mr. Nicolai:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires. Troy Rasmussen returned the forms to our office on February 26th.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit/Right Nos. 2211A-3, 3386-3, 4295-3A, 4648-3, 8189-3 & 8190-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, which appears to read 'Genny McMath'. The signature is fluid and cursive, with the first name 'Genny' being more prominent.

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

3386-3



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: REUBEN NICOLAI, 4535 MORMAN COULEE RD, LACROSSE, WI 54601

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3386-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2211A-3, 4295-3A, 4648-3, 8189-3 & 8190-3 qualification:

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

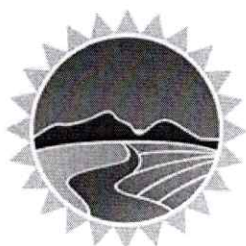
The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2211A-3, 4295-3A, 4648-3, 8189-3 & 8190-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3386-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **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 questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: RRWSUL**

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 3, 2021

Reuben Nicolai
RHN LLC
4535 Morman Coulee Rd
LaCrosse WI 54601

RE: Water Right or Permit Nos. 1504B-3, 1723-3, 2211A-3, 3386-3, 3390-3A, 4295-3A, 4648-3, 8189-3
& 8190-3

Dear Mr. Nicolai:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires. They were submitted January 26th by Troy Rasmussen.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for the above listed water permits and rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

3386-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: REUBEN NICOLAI, 4535 MORMAN COULEE RD, LACROSSE, WI 54601

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3386-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2211A-3, 4295-3A, 4648-3, 8189-3 & 8190-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2211A-3, 4295-3A, 4648-3, 8189-3 & 8190-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3386-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: BVDYUP**

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.

3386-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 9, 2022

RHN LLC
4535 Morman Coulee Rd
LaCrosse WI 54601

Dear Audra:

I am writing to acknowledge receipt of the 2021 irrigation questionnaires for Reuben Nicolai and RHN LLC. The forms were returned by Troy Rasmussen on January 27th and the last one on February 9th.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for the following water permits & water rights:

- Reuben Nicolai: 2211A-3, 3386-3, 4295-3A, 4648-3, 8189-3 & 8190-3 and
- RHN LLC: 1504B03, 1723-3 and 3390-3A

The information was received in our office prior to the Water Management Board meeting and is no longer on the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Troy Rasmussen (email)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: REUBEN NICOLAI (ESTATE), 4535 MORMAN COULEE RD, LACROSSE, WI 54601

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3386-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4295-3A qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4295-3A in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3386-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: HPJIOQ**

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.



3386-3
4295-3A

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: REUBEN NICOLAI (ESTATE), 4535 MORMAN COULEE RD, LACROSSE, WI 54601

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaires

Our records indicate your 2025 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3386-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4295-3A qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4295-3A in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3386-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: UVNAQQ**

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.