

4179-3

1. Considered 1-25, 19 78
2. Name of Applicant LARRY RUPPER
3. Post Office Address UTICA
4. Amount of Water claimed 1.14
5. Source of Water supply 110' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 80
7. Water to be diverted and used in YANKTON County
about 3W, 10N miles of YANKTON
8. Proof of Publication
Received 1-27-77
Not Received
9. Application
Approved
Subject to
Not Approved
Action Deferred
10. Remarks:

No. 4179-3
 Map No. 3407-3 Water Division No. 3 JAMES 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)

WATER QUALITY ON 3514-3

1. Name of Applicant Larry I. Rypiger
 Postoffice address RR1 Utica S.D. 57067 State 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
3. Name of diversion work Larry Rypiger No. 3
4. Amount of water claimed (cubic feet per second) 2.2 1.14 MAX. ALLOWABLE
5. Source of water supply Well
6. Location of point of diversion SW 1/4 of NW 1/4 22 95-56 - Well
- County Yankton
7. Annual period or periods during which water is to be used March 1 - May 31
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 80

List below each forty acre subdivision, or 1/2, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>SW 1/4 of NW 1/4 22 95-56</u>	<u>40 A</u>		
<u>NE 1/4 of NE 1/4 21 95-56</u>	<u>40 A</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Pine & Phoenix - Yankton, S.D.
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.

Pipe

C. Works proposed to apply water to beneficial use.

SPRINKLER TYPE SYSTEM (PIVOT)Estimated Total Cost \$ 30,000

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

STATE OF SOUTH DAKOTA

County Yankton

I, Larry I. Rypiger, 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 Larry I. RypigerSubscribed and sworn to before me this 1 day of April 1917

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4179-3
LARRY RUPPER R.R. #1, UTICA
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57067 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 adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application MAY 19, 1977
 Date of return to applicant for correction, amendments or changes required _____, 19____
 Date of receipt of corrected application JANUARY 27, 1978
 Approved MARCH 29, 1978, Recorded in Book 19 Page 312

WATER RIGHT PERMIT NO. 4179-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4179-3 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 MAY 19, 1977
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPT. 29, 1980
3. The whole of said work is to be completed on or before MARCH 29, 1983
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 29, 1983
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 1.14 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 29, 1983; said water to be used during the following described annual period: MARCH 1 - NOVEMBER 31

Witness my hand this 6th day of APRIL, 1978

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30", Depth 110'
(2) Casing, Type PVC (wood concrete, steel, etc) Diameter 16" Thick 219 wall
(3) Perforated Screen. Type PVC - 30' JOHNSON - 10', Diameter 16", Length PVC - 30' JOHNSON - 10'
(4) Gravel Pack. Thickness 16", Length of gravel pack 110'

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 fine to medium sand

Depth to top of water bearing material 75'

Depth to bottom of water bearing material 110'

Thickness of water bearing material 35'

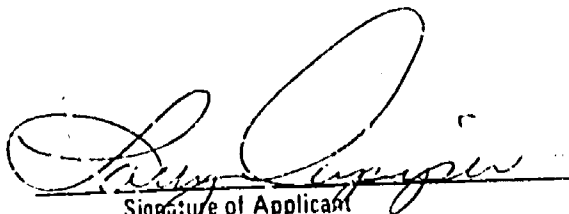
Depth to water (ground surface to water level) 13'

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

On same owner's property 20 rds. On property owned by others 80 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

SEE PERMIT NO 3514-3
FOR WATER QUALITY DATA

Publish first publication, on or before January 5, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 15, 1977

Notice is hereby given that Larry Funipec whose post office address is Utica, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-7-13; 46-5-1 thru 46-5-8, 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 ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.2 cubic feet of water per second of time from ground water (a well) through the Rupiper #3, the point of diversion of which is to be located in the SW 1/4 NW 1/4

of Section 22, Twp. 95N Range 56W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4 NW 1/4, Section 22, NE 1/4 NE 1/4, Section 21-T95N, R56W

The Application No. 4179-3 will be considered by the Water Rights Commission at Pierre South Dakota upon the 25 day of January, 1978 at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

NOTE: Final Proof of Publication
must be received by hearing date WATER RIGHTS COMMISSION
for the Commission to take action.

BETTY V. LUND
Water Rights Specialist

cc: Larry Funipec, RP 1, Utica, SD 57067

No. 4179-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Yankton)

Harry L. Speece _____ hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Yankton Daily Press & Dakotan

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 Yankton

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

January 19, 1978

January 26, 1978

[Signature]
(Signature)

Business Manager
(Title)

1-26-78
(Date Signed)

NOTICE OF HEARING ON
APPLICATION TO FOR
APPROPRIATE WATER

Notice is hereby given, that Lyle Ruppel, whose post office address is Lyle, South Dakota, has made an application in accordance with the provisions of SDCL 44-1-1 thru 46-1-3; 46-2-1 thru 46-2-7; 46-3-1 thru 46-3-2; 46-4-1 thru 46-4-2; 46-5-1 thru 46-5-2; 46-6-1 thru 46-6-2; 46-7-1 thru 46-7-2; 46-8-1 thru 46-8-2; 46-9-1 thru 46-9-2; 46-10-1 thru 46-10-2; 46-11-1 thru 46-11-2; 46-12-1 thru 46-12-2; 46-13-1 thru 46-13-2; 46-14-1 thru 46-14-2; 46-15-1 thru 46-15-2; 46-16-1 thru 46-16-2; 46-17-1 thru 46-17-2; 46-18-1 thru 46-18-2; 46-19-1 thru 46-19-2; 46-20-1 thru 46-20-2; 46-21-1 thru 46-21-2; 46-22-1 thru 46-22-2; 46-23-1 thru 46-23-2; 46-24-1 thru 46-24-2; 46-25-1 thru 46-25-2; 46-26-1 thru 46-26-2; 46-27-1 thru 46-27-2; 46-28-1 thru 46-28-2; 46-29-1 thru 46-29-2; 46-30-1 thru 46-30-2; 46-31-1 thru 46-31-2; 46-32-1 thru 46-32-2; 46-33-1 thru 46-33-2; 46-34-1 thru 46-34-2; 46-35-1 thru 46-35-2; 46-36-1 thru 46-36-2; 46-37-1 thru 46-37-2; 46-38-1 thru 46-38-2; 46-39-1 thru 46-39-2; 46-40-1 thru 46-40-2; 46-41-1 thru 46-41-2; 46-42-1 thru 46-42-2; 46-43-1 thru 46-43-2; 46-44-1 thru 46-44-2; 46-45-1 thru 46-45-2; 46-46-1 thru 46-46-2; 46-47-1 thru 46-47-2; 46-48-1 thru 46-48-2; 46-49-1 thru 46-49-2; 46-50-1 thru 46-50-2; 46-51-1 thru 46-51-2; 46-52-1 thru 46-52-2; 46-53-1 thru 46-53-2; 46-54-1 thru 46-54-2; 46-55-1 thru 46-55-2; 46-56-1 thru 46-56-2; 46-57-1 thru 46-57-2; 46-58-1 thru 46-58-2; 46-59-1 thru 46-59-2; 46-60-1 thru 46-60-2; 46-61-1 thru 46-61-2; 46-62-1 thru 46-62-2; 46-63-1 thru 46-63-2; 46-64-1 thru 46-64-2; 46-65-1 thru 46-65-2; 46-66-1 thru 46-66-2; 46-67-1 thru 46-67-2; 46-68-1 thru 46-68-2; 46-69-1 thru 46-69-2; 46-70-1 thru 46-70-2; 46-71-1 thru 46-71-2; 46-72-1 thru 46-72-2; 46-73-1 thru 46-73-2; 46-74-1 thru 46-74-2; 46-75-1 thru 46-75-2; 46-76-1 thru 46-76-2; 46-77-1 thru 46-77-2; 46-78-1 thru 46-78-2; 46-79-1 thru 46-79-2; 46-80-1 thru 46-80-2; 46-81-1 thru 46-81-2; 46-82-1 thru 46-82-2; 46-83-1 thru 46-83-2; 46-84-1 thru 46-84-2; 46-85-1 thru 46-85-2; 46-86-1 thru 46-86-2; 46-87-1 thru 46-87-2; 46-88-1 thru 46-88-2; 46-89-1 thru 46-89-2; 46-90-1 thru 46-90-2; 46-91-1 thru 46-91-2; 46-92-1 thru 46-92-2; 46-93-1 thru 46-93-2; 46-94-1 thru 46-94-2; 46-95-1 thru 46-95-2; 46-96-1 thru 46-96-2; 46-97-1 thru 46-97-2; 46-98-1 thru 46-98-2; 46-99-1 thru 46-99-2; 46-100-1 thru 46-100-2; 46-101-1 thru 46-101-2; 46-102-1 thru 46-102-2; 46-103-1 thru 46-103-2; 46-104-1 thru 46-104-2; 46-105-1 thru 46-105-2; 46-106-1 thru 46-106-2; 46-107-1 thru 46-107-2; 46-108-1 thru 46-108-2; 46-109-1 thru 46-109-2; 46-110-1 thru 46-110-2; 46-111-1 thru 46-111-2; 46-112-1 thru 46-112-2; 46-113-1 thru 46-113-2; 46-114-1 thru 46-114-2; 46-115-1 thru 46-115-2; 46-116-1 thru 46-116-2; 46-117-1 thru 46-117-2; 46-118-1 thru 46-118-2; 46-119-1 thru 46-119-2; 46-120-1 thru 46-120-2; 46-121-1 thru 46-121-2; 46-122-1 thru 46-122-2; 46-123-1 thru 46-123-2; 46-124-1 thru 46-124-2; 46-125-1 thru 46-125-2; 46-126-1 thru 46-126-2; 46-127-1 thru 46-127-2; 46-128-1 thru 46-128-2; 46-129-1 thru 46-129-2; 46-130-1 thru 46-130-2; 46-131-1 thru 46-131-2; 46-132-1 thru 46-132-2; 46-133-1 thru 46-133-2; 46-134-1 thru 46-134-2; 46-135-1 thru 46-135-2; 46-136-1 thru 46-136-2; 46-137-1 thru 46-137-2; 46-138-1 thru 46-138-2; 46-139-1 thru 46-139-2; 46-140-1 thru 46-140-2; 46-141-1 thru 46-141-2; 46-142-1 thru 46-142-2; 46-143-1 thru 46-143-2; 46-144-1 thru 46-144-2; 46-145-1 thru 46-145-2; 46-146-1 thru 46-146-2; 46-147-1 thru 46-147-2; 46-148-1 thru 46-148-2; 46-149-1 thru 46-149-2; 46-150-1 thru 46-150-2; 46-151-1 thru 46-151-2; 46-152-1 thru 46-152-2; 46-153-1 thru 46-153-2; 46-154-1 thru 46-154-2; 46-155-1 thru 46-155-2; 46-156-1 thru 46-156-2; 46-157-1 thru 46-157-2; 46-158-1 thru 46-158-2; 46-159-1 thru 46-159-2; 46-160-1 thru 46-160-2; 46-161-1 thru 46-161-2; 46-162-1 thru 46-162-2; 46-163-1 thru 46-163-2; 46-164-1 thru 46-164-2; 46-165-1 thru 46-165-2; 46-166-1 thru 46-166-2; 46-167-1 thru 46-167-2; 46-168-1 thru 46-168-2; 46-169-1 thru 46-169-2; 46-170-1 thru 46-170-2; 46-171-1 thru 46-171-2; 46-172-1 thru 46-172-2; 46-173-1 thru 46-173-2; 46-174-1 thru 46-174-2; 46-175-1 thru 46-175-2; 46-176-1 thru 46-176-2; 46-177-1 thru 46-177-2; 46-178-1 thru 46-178-2; 46-179-1 thru 46-179-2; 46-180-1 thru 46-180-2; 46-181-1 thru 46-181-2; 46-182-1 thru 46-182-2; 46-183-1 thru 46-183-2; 46-184-1 thru 46-184-2; 46-185-1 thru 46-185-2; 46-186-1 thru 46-186-2; 46-187-1 thru 46-187-2; 46-188-1 thru 46-188-2; 46-189-1 thru 46-189-2; 46-190-1 thru 46-190-2; 46-191-1 thru 46-191-2; 46-192-1 thru 46-192-2; 46-193-1 thru 46-193-2; 46-194-1 thru 46-194-2; 46-195-1 thru 46-195-2; 46-196-1 thru 46-196-2; 46-197-1 thru 46-197-2; 46-198-1 thru 46-198-2; 46-199-1 thru 46-199-2; 46-200-1 thru 46-200-2; 46-201-1 thru 46-201-2; 46-202-1 thru 46-202-2; 46-203-1 thru 46-203-2; 46-204-1 thru 46-204-2; 46-205-1 thru 46-205-2; 46-206-1 thru 46-206-2; 46-207-1 thru 46-207-2; 46-208-1 thru 46-208-2; 46-209-1 thru 46-209-2; 46-210-1 thru 46-210-2; 46-211-1 thru 46-211-2; 46-212-1 thru 46-212-2; 46-213-1 thru 46-213-2; 46-214-1 thru 46-2

Form 10.

No. 4179-3

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

Post Office Utica, S.D. 57067

Date May 8, 1978

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

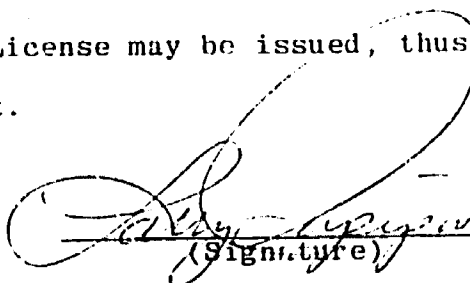
This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 4179-3.

Water Right Permit No. 4179-3 states that the diversion system is to be constructed by March 29, 1983 and that the water is to be put to beneficial use by March 29, 1983.

The diversion system was completed on May 9, 1978.
Applying the water to beneficial use was completed on July 6,
1977.

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




(Signature)

 **Department of
Water & Natural Resources**

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

March 23, 1987

LARRY RUPIPER
RR #1 BOX 252
YANKTON, SD 57078

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

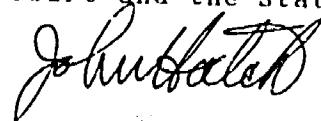
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 3514-3, 4179-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires 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). 3514-3, 4179-3 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.

 **Department of
Water & Natural Resources**

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

May 13, 1987

NOTICE OF AMENDMENT TO WATER PERMIT(s)

TO: LARRY RUPPER
RR #1 BOX 252
YANKTON, SD 57078

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Amendment to Water Permit No(s). 4179-3, 3514-3

Pursuant to the provisions of the notice dated March 23, 1987, and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No(s). 4179-3, 3514-3 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 include the enclosed attachment with your permit.

Attachment to Water Permit No. 4179-3

Pursuant to the provisions of the notice dated March 23, 1987 and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No. 4179-3 to add the following qualification:

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

3514-2
4179-3

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

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

February 17, 1989

Larry Rupiper
RR 1, Box 252
Yankton, SD 57078

Dear Mr. Rupiper:

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

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

The new standards include:

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



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

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

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

Very truly yours,

John Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division

4179-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

LARRY RUPPER
RR #1 BOX 252
YANKTON SD 57078

NOTICE

RE: Violation of Water Permit No(s) 3514-3 & 4179-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 3514-3 & 4179-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 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) 3514-3 & 4179-3 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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) 3514-3 & 4179-3 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, 1995, 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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

3. Article Addressed to: **4179-3**

LARRY RUPIER
RR #1 BOX 252
YANKTON, SD 57078

5. Signature (Addressee)

6. Signature (Agent)

Larry Ruper

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

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

757 566 321

4b. Service Type

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

7. Date of Delivery

2-9-75

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

PS Form 3871, December 1991 PSN: 6010-102-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



4179-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 1995

NOTICE

TO: LARRY RUIPIER
RR1 BOX 252
YANKTON, SD 57078

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

RE: Failure to Report Chemical Use under Water Permit No(s) 3514-3; & 4179-3

The first notice to file chemigation report(s) for Permit No(s) 3514-3; & 4179-3 was dated November 3, 1994. Our records indicate that we have not received the 1994 chemigation report for Permits No(s) 3514-3; & 4179-3. The Water Management Board has directed that owners of water permits who have not submitted the 1994 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 8, 1995, in the Crown Room, 3RD Floor, Kings Inn Best Western Convention Center, 220 South Pierre Street, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 3514-3; & 4179-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to March 3, 1995, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to March 3, 1995, you will no longer be in violation and your name will be deleted from the Board agenda.



4179-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 1995

3514-3

4179-3

Larry Rupiper
RR #1 Bcx 252
Yankton, SD 57078

Dear Mr. Rupiper:

I am writing to acknowledge receipt of your 1994 Irrigation questionnaires and chemical reporting forms. The forms were completed for you following our February 9, 1995 telephone conversation. You may disregard the February 7, 1995, Notice of Violation of Water Permits and the Notice of Failure to Report Chemical Use under Water Permit Nos. 3514-3 and 4179-3.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3131

January 30, 1996

NOTICE

TO: LARRY RUPPER
RR #1 BOX 252
YANKTON SD 57078

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

RE: Failure to Report Chemical Use under Water Permit No(s) 3514-3; & 4179-3

The first notice to file chemigation report(s) for Permit No(s) 3514-3; & 4179-3 was dated 10/20/95. Our records indicate that we have not received the 1995 chemigation report for Permits No(s) 3514-3; & 4179-3. The Water Management Board has directed that owners of water permits who have not submitted the 1995 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of administrative rule 74:02:09:02.3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:45 A.M. on March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5: 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to 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 or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3514-3; & 4179-3 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 chemigation report(s) is(are) received by this office on/or before March 1, 1996 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East 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.

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:

Larry Rupiper
RR 1 Box 252
Yankton SD 57076

4a. Article Number

2 548 318 919

4b. Service Type

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

7. Date of Delivery

1-31-96

5. Received By: (Print Name)

Larry Rupiper

6. Signature: (Addressee or Agent)

X Larry Rupiper

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



January 30, 1996

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: LARRY RUIPER, RR #1 BOX 252, YANKTON, SD 57078
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 3514-3, 4179-3.

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 3514-3, 4179-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 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) 3514-3, 4179-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 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) 3514-3, 4179-3 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 1, 1996, 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.



4179-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 1996

3514-3

4179-3

Larry Rupiper
American Leasing
327 Broadway
Yankton, SD 57078

Dear Mr. Rupiper::

I am writing to acknowledge receipt of your 1995 irrigation questionnaires and information for your chemical use reports. You may disregard the January 30, 1996, Notice of Violation of Permit Nos. 3514-3 and 4179-3 and the Notice of Failure to Report Chemical Use.

I completed questionnaires for you based on our February 1st telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Enclosed, as we discussed, are copies of your 1994 and 1995 irrigation questionnaires. Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4179-3

(1) Larry Rupiper, RR 1 Box 252, Yankton, SD 57078 made Application No. 4179-3, May 19, 1977 for a water permit to divert 1.14 cubic feet of water per second from ground water (one well), Yankton County, South Dakota for irrigation purposes. Permit No. 4179-3, with a priority date of May 19, 1977 was approved March 29, 1978 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 29, 1983 and for the application to beneficial use of said water on or before March 29, 1983.

(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 0.91 cubic feet of water per second for beneficial use. The location of the diversion point is 1800'S 1°E from the NW corner of Section 22, T95N, R56W (SW¼ NW¼).

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

Section 22, T95N, R56W	SW¼ NW¼	32 acres
Section 21, T95N, R56W	NE¼ NE¼	32 acres
TOTAL		64 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Larry Rupiper, RR 1 Box 252, Yankton, SD 57078 the holder and/or owner of Water Permit No. 4179-3 is issued a license to appropriate water, the right to use 0.91 cubic feet of water per second from ground water (one well) with a priority date of May 19, 1977 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. 4179-3 and subject to South Dakota State Law.

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

OCT 17 1996

date



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, July 31, 1995, made a thorough examination of the water use system constructed by Larry Rupiper of RR1, Utica, SD holder of Permit No. 4179-3, bearing the priority of May 19, 1977 authorizing the diversion of 1.14 cu. ft. per second of groundwater for irrigation purposes, in Yankton County.

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

A. Works used to divert the water:

Water is diverted from a 10" diameter well 110 feet deep located 1800' S1°E from the NW corner of Sec. 22, T95N-R56W, (SW¼ NW¼ SW¼ NW¼ Sec. 22, T95N-R56W). The well uses an 8" diameter 3 stage Crow Submersible Pump, powered by a Pinger 40 horsepower motor.

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

Water is transported through 630' of 6" diameter aluminum pipe from the well to a pivot point located in the SW ¼ NW¼ Sec. 22, T95N-R56W. Water is transported through 517' of 6" diameter aluminum pipe and 980' of 6" diameter pipe from the well to a pivot point located in the NE¼ NE¼ Sec. 21, T95N-R56W.

C. Works used to apply water to beneficial use:

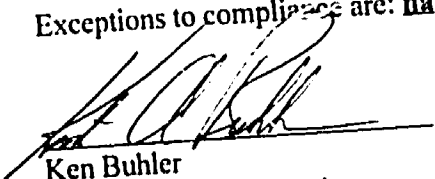
Water is applied to beneficial use through a four tower towable Zimmatic Center Pivot System. The system is 640' long and uses a Nelson 85E end gun.

The system is in the following condition good. The point of diversion is located 1800' S1°E from the NW corner of Sec. 22, T95N-R56W, (SW¼ NW¼ SW¼ NW¼ Sec. 22, T95N-R56W) The works are capable of diverting and conveying to the place of use 1.11 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:

<u>SW¼ NW¼ Sec. 22, T95N-R56W</u>	<u>32 acres</u>
<u>NE¼ NE¼ Sec. 21, T95N-R56W</u>	<u>32 acres</u>

comprising a total of 64 acres of land and the license should be issued for 0.91 cfs.
Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: na


Ken Buhler
Natural Resources Engineer
DENR, Water Rights Program

3/21/95
Date

REPORT ON INSPECTION OF PERMIT NO. 4179-3

DATE OF INSPECTION: July 31, 1995

Other permit(s) associated with the project: 3514-3

DIVERSION POINT LEGAL LOCATION: 1800' S1°E from the NW corner of Sec. 22, T95N-R56W, (SW¼ NW¼ SW¼ NW¼ Sec.22, T95N-R56W)

WELL INFORMATION:

- 1) Well Drilling Firm: Missouri Valley Irrigation Inc.
- 2) No. of Wells one
- 3) Depth(s) 110 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 10 inches
- 2) Length 70 feet
- 3) Type PVC

Screen 1:

- 1) Type PVC (perforated)
- 2) Length 28 feet

Screen 2:

- 1) Type stainless steel
- 2) Length 10 feet

Pump:

- 1) Make Crown Submersible
- 2) Model 7H400
- 3) Size 8" 3 stage
- 4) Capacity 500 GPM @ 190' head

Motor:

- 1) Make Pluger
- 2) Model No. na
- 3) Horsepower rating 40 hp

DISTRIBUTION LINES OR CANALS:

- (a) 1) Type aluminum 2) Size 6 inches 3) Length 630 feet
(b) 1) Type aluminum 2) Size 6 inches 3) Length 517 feet
1) Type PVC 2) Size 6 inches 3) Length 980 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Zimmatic (towable)
- 2) Overall length 640 feet
- 3) Number of towers 4
- 4) End gun Nelson 85E
- 5) High or low pressure low (40psi)
- 6) Capacity 500 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate yes
- 2) Main line check valve yes
- 3) Inspection port/air relief yes
- 4) Low pressure drain yes
- 5) Discharge is 20' from source yes
- 6) Interlock type electric
- 7) Injection pump type Inject-o-meter pump (MN 1-20, SN 14467); with a Balden Industries Electric Motor
- 8) Injection check valve yes
- 9) Injection line check valve or positive displacement pump positive displacement pump
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes
- 11) Comments :

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes

- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

MISSOURI VALLEY DRIG. INC.
RT. 4 BOX 78
YANKTON, S. D.K. 57078

Larry Rupiper
Utica, S. Dak.

Well #2

3-16-77

T.D. 110'

WELL LOG

0-2	Top Soil
2-31	Clay, yellow
31-63	Blue Clay
63-75	Sand -clay & sand - clay
75-110	Fine to med. sand (water bearing)

Materials used:

Plain PVC casing	70'
Perf. PVC casing	28'
Johnson screen	10'

Drillor: Don Mosler
Roughneck: Tim Eide
Larry Rupiper





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 9, 1996

3514-3
4179-3

Larry Rupiper
RR 1, Box 252
Yankton, SD 57078

Dear Mr. Rupiper:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 3514-3 and 4179-3, has been completed. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per permit for the inspection and issuance of the Water Licenses. Upon receipt of the \$50.00 fee per permit (\$100.00 total) from you, we will begin processing your Water Licenses.

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

Sincerely,

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

NOTE: On check or money order, please specify your permit numbers. 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

August 26, 1996

SECOND NOTICE
Permit Nos. 3514-3
4179-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Larry Rupiper
RR 1, Box 252
Yankton, SD 57078

Dear Mr. Rupiper:

On April 9, 1996, you were notified the final inspection fee of \$50.00 per license (\$100.00 total) is due before Water License Nos. 3514-3 and 4179-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee per license (\$100.00 total), your Water Licenses will be sent to you. This is the final document for the perfection of your Water Rights. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

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

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fees are paid. Please submit the required fee immediately to avoid jeopardizing your water permits.

Very truly yours,

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



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

OCT 17 1996

3514-3
4179-3

Larry Rupiper
RR 1, Box 252
Yankton, SD 57078

Dear Mr. Rupiper:

Enclosed are Water License Nos. 3514-3 and 4179-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 415071 and 415072 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. 3514-3 and 4179-3, 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

gm
enclosures

RECEIPT

Division of Water Rights
South Dakota Department of Environment and Natural Resources

4179-3
415072

Pierre, _____ September 3, 19 96

RECEIVED OF American Leasing, Inc. (Larry Ruplper), 327 Broadway, Yankton, SD 57078
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ and to put water to beneficial use _____	to Appropriate Water, to construct		
Fee for Application for Permit No. _____ Use _____	to Appropriate Water, for Future		
Fee to retain Future Use Permit No. _____	after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No <u>4179-3</u>			
Fee for Filing Transfer Form _____		50	00
Fee for Filing Extension Request _____			
Fee for _____			

(Any Other Work Provided by Law)			
Total		50	00

By

Chief Engineer

John Hatch (Signature)



4179-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: LARRY RUPPER, RR 1 BOX 252, YANKTON, SD 57078

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

SUBJECT: Violation of Water Permit No(s). 3514-3 & 4179-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3514-3 & 4179-3. 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) 3514-3 & 4179-3 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) 3514-3 & 4179-3 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.



4179-3

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

February 4, 1997

NOTICE

TO: LARRY RUPPER
RR 1 BOX 252
YANKTON SD 57078

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

RE: Failure to Report Chemical Use under Water Permit No(s) 3514-3 & 4179-3

The first notice to file chemigation report(s) for Permit No(s) 3514-3 & 4179-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for: Permits No(s) 3514-3 & 4179-3. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to 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 or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 3514-3 & 4179-3 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 chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East 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.

4179-3



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

February 14, 1997

3514-3
4179-3

Larry Rupiper
327 Broadway
Yankton, SD 57078

Dear Mr. Rupiper:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, Notices of Violation of Water Permit Nos. 3514-3 & 4179-3 and Failure to Report Chemical Use.

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



4179-3

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 14, 2004

NOTICE

TO: LARRY RUPIPER, 327 BROADWAY, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3514-3 & 4179-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 3514-3 & 4179-3 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 3, 2004 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) 3514-3 & 4179-3 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 27, 2004**, 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.



4179-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2004

3514-3
4179-3

Larry Rupiper
327 Broadway
Yankton SD 57078

Dear Mr. Rupiper:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 3514-3 and 4179-3.

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



4179-3
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: LARRY RUIPER, 327 BROADWAY, YANKTON, SD 57078
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) 3514-3 & 4179-3. 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) 3514-3 & 4179-3 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) 3514-3 & 4179-3 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.



4179-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2005

3514-3
4179-3

Larry Rupiper
327 Broadway
Yankton SD 57078

Dear Mr. Rupiper:

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. 3514-3 and 4179-3.

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

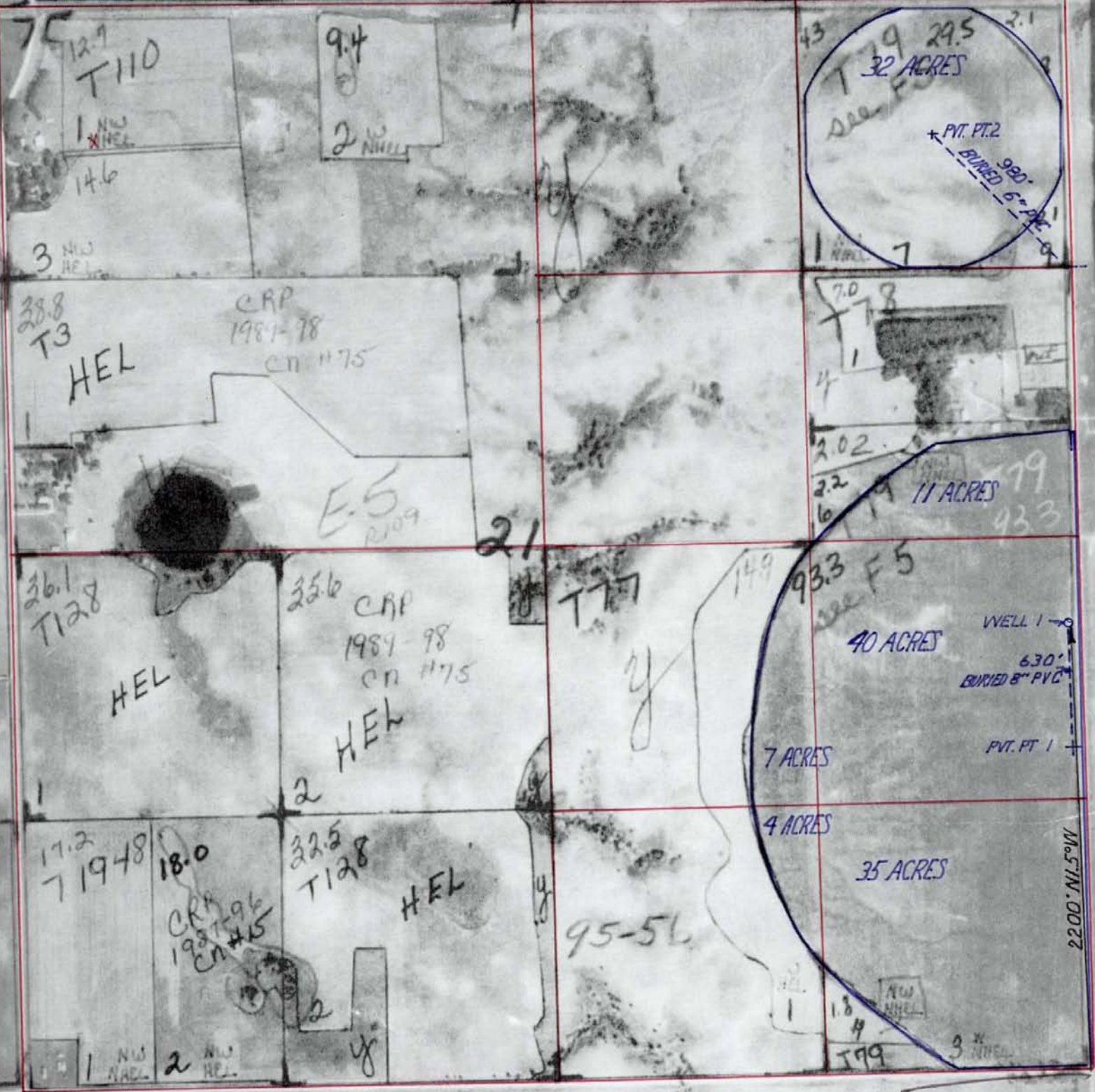
Ken Buhler
KEN BUHLER
NATURAL RES. ENGINEER
WATER RIGHTS PROGRAM

NOT TO SCALE

1993

4179-3

SEC 21, T95N-R56W



MAP FOR WATER RIGHT/PERMIT 3514-3 & 4179-3

4179-3

1993

NOT TO SCALE

SEC. 22 T95N-R56W

74.7

MAP FOR PERMIT 4179-3

95-56

4.6

11.5

13.3

2-43

38.0
To Be Irrigated
By Van P. Miller
Co. Extension agent
Yardley Co.
40 acres

1.7

40.0

77.2

168

70.4

3.0

4.5

18.2

1-168

22

18.0

3.5

24.0

4.3

32.5

(2-51)

19.5

3M

16.7

95-56

Map No 34073 Appendix 179-51

NOT TO SCALE

41793

95-56

12.7

9.4

9.5

36.8

To be Irrigated
By Lane P. Miller
Co. Extension agent
Yachton Co.
40 A

14.6

2-45

38.8

13.7

8.9

2.9

4.2

81.4

36.1

35.6

21

24.2

29.8

5.4

32.5

95-52

4.5



4179-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 2006

3514-3
4179-3

Larry Rupiper
317 Broadway Ave
Yankton SD 57078-4212

Dear Mr. Rupiper:

Enclosed is a "Notice" dated October 20, 2006 concerning the 2006 irrigation questionnaire. The notice was originally mailed to 327 Broadway Ave, Yankton SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



4179-3
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 26, 2007

NOTICE

TO: LARRY RUPIPER, 317 BROADWAY, YANKTON, SD 57078 4212

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3514-3 & 4179-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 3514-3 & 4179-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 3514-3 & 4179-3 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 1, 2007, 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/E0455V5-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.



4179-3

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Track & Confirm

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Label/Receipt Number: 2303 2160 0000 0799 6217
Status: **Delivered**

Your item was delivered at 2:11 PM on January 29, 2007 in YANKTON, SD 57078. The item was signed for by J RUIPIER.

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 6217

LARRY RUIPIER
317 BROADWAY
YANKTON SD 57078 4212

Waiver of Signature ☐ YES ☐ NOPostmark
Here**POSTAL CUSTOMER:**

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www.usps.com®
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☐ Package Services parcel

PS Form 3800, (May 2002)

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2007

3514-3
4179-3

Larry Rupiper
317 Broadway
Yankton SD 57078

Dear Mr. Rupiper:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 3514-3 and 4179-3.

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



4179-3
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: LARRY RUPPER, 317 BROADWAY, YANKTON, SD 57078 4212
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3514-3, 4179-3 & 7220-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(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) 3514-3, 4179-3 & 7220-3 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) 3514-3, 4179-3 & 7220-3 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 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. 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.

4179-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 2019

3514-3
4179-3
7220-3

Larry Rupiper
317 Broadway
Yankton SD 57078-4212

Dear Mr. Rupiper:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit/Right Nos. 3514-3, 4179-3 & 7220-3. 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, appearing to read "Genny McMath". The signature is fluid and cursive.

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

4179-3



DENR
SOUTH DAKOTA

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

JUL 23 2020

4179-3
7220-3

Larry Rupiper
317 Broadway Ave
Yankton SD 57078

Dear Mr. Rupiper:

Enclosed is Water License No. 7220-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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 License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

NOTE: Upon licensing, the applicable portions of Water Right No. 4179-3 were incorporated into Water License No. 7220-3.