

Considered: _____

WATER PERMIT NO. 4295-3A

Phone: 542-2451

Name of Applicant: Larry W. Moulton

Post Office Address: RR 1, Box 6, Elkton SD 57026

Amount of Water Claimed: no add'l (2.7 cfs) Total Acres: no add'l (136)

Source of Water Supply: groundwater

Water to be used for: irrigation County: Brookings

About 2 miles S of Elkton

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F.& C/L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 12-1-88 Fee: \$50.00 Remarks Change of

location of the point of diversion on Permit No. 4295-3

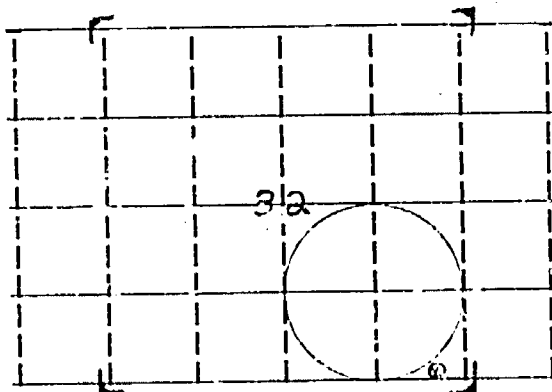
Corrected Application Received _____ Period of Annual Use April 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: SE 1/4 SE 1/4 32-109-47

Land to be Irrigated: SE 1/4 32-109-47



Well Log: Driller: Grimshaw Drilling Licensed YES X NO _____

Depth of Well: 50' REMARKS _____

Type of Map: aerial PREPARED BY: Tom Brardner Reviewed and the Number

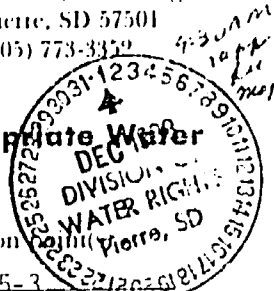
Assigned on 4-9-91 By Karen Schlaak

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

(See instructions)

No. <u>4295-3A</u>	Hydrologic Unit <u>10170202</u>
Basin <u>Big Sioux River</u>	
Newspaper <u>Elkton Record, Box K, Elkton, SD (add)</u>	

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3359



Application For Soil/Water Compatibility Permit and Permit To Appropriately Use Water

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☒ Change diversion point(s) ☐ Add diversion _____
- ☐ Add Acreage ☐ Increase diversion rate ☒ Other See 4295-3 _____
1. Name of Applicant Larry W. Moulton Phone No. 542-2461
- Post Office Address RR 1, Box 3 Elkton, South Dakota State 57026
(Street, RR or Box) (City) (Zip Code)
2. Amount of water claimed (c.f.s.) No Add'l Total acres irrigated 136 (authorized by No. 4295-3)
3. Source of Water supply Groundwater (1 well)
4. Location of point of diversion 400 feet west and 50 feet north of the southeast corner of
Section 32, T109N, R47W (SW 1/4 SE 1/4)
County Brookings
5. Counties where water will be used Brookings
6. Annual period during which water is to be used April 1 - September 30
7. 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.
NW 1/4 SE 1/4 Section 32 T109 R47	34
NE 1/4 SE 1/4 Section 32 T109 R47	34
SE 1/4 SE 1/4 Section 32 T109 R47	34
SW 1/4 SE 1/4 Section 32 T109 R47	34

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ (Specify) _____ Other: _____
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)

This application is to change the location of the diversion point specified on Water Permit No. 4295-3 from the SW 1/4 SE 1/4 of Section 32, T109N, R47W to the SE 1/4 SE 1/4 of Section 32, T109N, R47W.

This application does not authorize any increase in the diversion rate.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Brookings) ss

I, Larry W. Moulton, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Larry W. Moulton

Subscribed and sworn to before me this 30th day of November 19 88

David M. Moulton
Comm. Expires 6-30-1996

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____

② Distance to nearest existing domestic well:

On applicants property 3/4 mi On property owned by others 3/8 mile

2. Dugout Information - Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

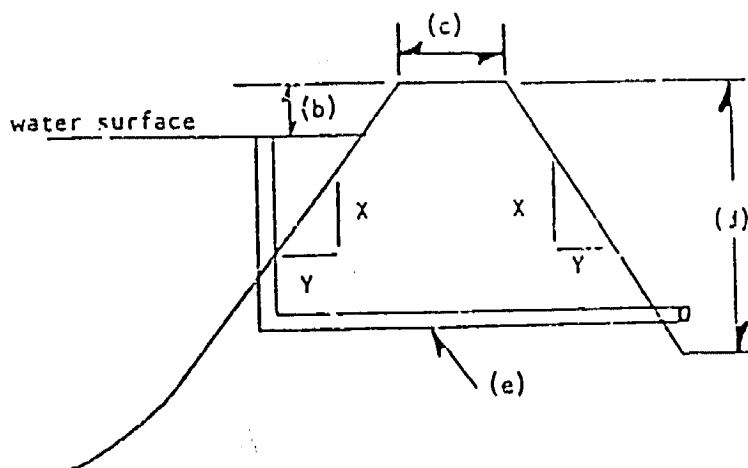
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

Soil water permits will be recorded by the Department of Agriculture with the County Register of Deeds.



SEP 4 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Larry W. Moulton
RR 1 Box 6
Elkton, SD 57026

Dear Mr. Moulton:

Enclosed is Water Permit No. 4295-3A authorizing your water diversion system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

SOUTH DAKOTA
WATER PERMIT No. 4295-3A FOR IRRIGATION

Date of first receipt of application December 1, 1988.
Date Soil/Water Compatibility Permit received April 22, 1991.

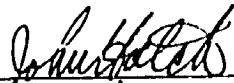
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 4295-3A to Larry W Moulton, RR 1, Box 6, Elkton SD 57026 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4295-3A to specify the correct location of the well authorized by Water Permit No. 4295-3. Water Permit No. 4295-3 appropriates 2.1 cubic feet of water per second from one well located in the SW 1/4 SE 1/4 to irrigate 136 acres located in the SE 1/4; all in Section 32-T109N-R47W. An inspection of this permit found one well, 50 feet deep located in the SE 1/4 SE 1/4 Section 32-T109N-R47W. This permit corrects the legal description of the well to the SE 1/4 SE 1/4 Section 32-T109N-R47W and does not authorize any increase in the developed diversion rate or acres irrigated.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1- September 30.
3. The date from which applicant may claim right is June 26, 1978.
4. The date of approval of Permit No. 4295-3A is June 19, 1991.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

SEP 4 1991
date

REPORT ON APPLICATION NO. 4295-3A
LARRY W. MOULTON
APRIL 26, 1991

Water Permit Application No. 4295-3A changes the location of a well approved under Water Permit No. 4295-3. The original location of the well was SW1/4 SE1/4 of section 32 T109N R47W. The well was actually drilled in the SE1/4 SE1/4 of section 32 T109N R47W. The water is used to irrigate 136 acres in the SE1/4 of section 32 with 2.1 cubic feet per second of water. The diversion rate and acreage have not changed from the original permit.

The discrepancy of the well location from the original application was noted in Report of Examination of Works completed by Burton Jones in June 9, 1981. For whatever reason the license was not completed. Permit No. 4295-3 was again inspected August 12, 1988 by Thomas Brandner. The works for No. 4295-3 were completed within the five year completion period ending July 26, 1983.

The well being applied for under No. 4295-3A has been constructed and has been utilized prior to June 9, 1981 with no known affects on the aquifer or on existing water rights.

Conclusions:

1. The well being applied for under No. 4295-3A has been constructed and has been used for at least 10 years.
2. A new soil water compatibility permit has been granted for use of this well.
3. There have been no complaints concerning No. 4295-3.
4. Water Permit Application No. 4295-3A does not appropriate any additional water nor does it increase the authorized acreage.

Gale N. Selken

Gale N. Selken P.E.
Natural Resources Engineer IV

REFERENCES

- Division of Water Rights, 1991, Observation Well Files, DENR,
Division of Water Rights, Joe Foss Building, Pierre, SD
- Division of Water Rights, 1989, Irrigation Report by Aquifer,
DENR, Division of Water Rights, Joe Foss Building, Pierre,
SD

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4295-3A, Larry W. Moulton

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4295-3A, Larry W. Moulton, RR 1, Box 6, Elkton, SD 57026.

The Chief Engineer is recommending APPROVAL of Application No. 4295-3A because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
May 10, 1991

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

May 16, 1991

Larry W. Moulton
RR 1 Box 6
Elkton, SD 57026

Dear Mr. Moulton:

Water Permit Application No. 4295-3A for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Elkton Record printed at Elkton, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

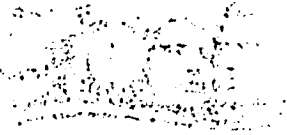
Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3252

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

South Dakota



GREAT FACES. GREAT PLACES.

May 16, 1991

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

Elkton Record
Box K
Elkton, SD 57026

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 4295-3A to be published twice. Please publish the first notice on May 22, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Larry W. Moulton, RR 1, Box 6, Elkton, SD 57026.

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 22, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 4295-3A to Appropriate Water
and to Amend Water Permit No. 4295-3

Notice is given that Larry W. Moulton, RR 1, Box 6, Elkton SE 57026 has filed an application for a water permit to specify the correct location of a well. Water Permit No. 4295-3 appropriates 2.1 cubic feet of water per second (cfs) from one well located in the SW 1/4 SE 1/4 to irrigate 136 acres located in the SE 1/4; all in Section 32-T109N-R47W. An inspection of this Permit found one well, 50 feet deep located in the SE 1/4 SE 1/4 Section 32-T109N-R47W. This application is to correct the legal description of the well to the SE 1/4 SE 1/4 Section 32-T109N-R47W and does not authorize any increase in the developed diversion rate or acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4295-3A because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 10, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 4295-3A and 2) the chief engineer's recommendation, a special Board meeting is scheduled for June 19, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the June 19, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 19, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 10, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 45-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-12, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PUBLIC NOTICE/

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County _____)

I, _____

certify that the attached

from the _____

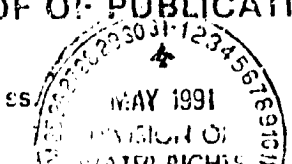
A newspaper which during the said notice herein after state published in the _____

_____ of _____

County of _____ that the said notice was published following two dates:

_____ May 22, 1991

_____ May 20, 1991



recommendation, a special Board meeting is scheduled for June 19, 1991, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre, S.D. If this application is opposed or the recommendation is contested, the June 19, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 19, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 10, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny

(Signature)

Elkton Record Bookkeeper
(Title)

May 22, 1991
(Date Signed)

No. 1095, 2x, May 22 & 29
NOTICE OF HEARING
on Application No. 4295-3A to
Appropriate Water and to Amend
Water Permit No. 4295-3

Notice is given that Larry W. Moulton, R. R. 1, Box 6, Elkton, S.D. 57026 has filed an application for a water permit to specify the correct location of a well. Water Permit No. 4295-3 appropriate 2.1 cubic feet of water per second (cfs) from one well located in the SW 1/4 SE 1/4 to irrigate 136 acres located in the SE 1/4; all in Section 32-T109N-R47W. An inspection of this Permit found one well, 50 feet deep located in the SE 1/4 SE 1/4 Section 32-T109N-R47W. This application is to correct the legal description of the well to the SE 1/4 SE 1/4 Section 32-T109N-R47W and does not authorize any increase in the developed diversion rate or acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4295-3A because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed

to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, S.D. 57501-205-773-3352" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 10, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 4295-3A and 2) the chief engineer's

this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These

and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSO 74:02:01:01 thru 74:02:01:15.

Cost of Printing: _____

126 1 2 9 4290 5970

 **Department of
Water & Natural Resources**

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

September 13, 1988

Larry W. Moulton
Route 1, Box 6
Elkton, SD 57026

Dear Mr. Moulton:

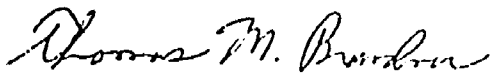
On August 3, 1988 I inspected your irrigation systems under Water Permit No's 4295-3, 4332-3 and 4452-3. The inspection was conducted to determine if final construction of the systems matched what had been requested under the original permit applications. As we discussed at the time, there were some discrepancies in the permits relating to well locations, lands irrigated, and soil/water compatibility.

On Permit No. 4452-3 we are recommending cancellation because no system was ever placed on the land. Enclosed are the forms necessary to clear up the problems on Permit No.'s 4295-3 and 4332-3. Most of the needed information has been supplied for you, but check them over for accuracy and fill in any other pertinent data. Fill in only part 1g on Form 2A pertaining to the distance your correctly located irrigation wells are to the nearest domestic wells. Please sign the forms, have them notarized, and return the forms to our office.

The type of corrections made to each permit are listed on the application forms. They involve changes in diversion point locations to correct for the true well positions being farther from the permit advertised locations than the 660 feet allowed. Soil/water compatibility approval is also needed for the corrected well locations. These requirements are taken care of with this one form. No new water samples or soil data are needed for the soil/water corrections. For questions about soil/water please contact Jim Stukel of the Division of Conservation at 773-3259.

The fee for the 2 applications is \$50 each, or a total of \$100. The new permit applications will be advertised and presented before the Water Management Board for their approval. If approved, we can proceed with the final licensing of your permits. If you have any other questions about the applications or licensing please contact our office. I will be sure to send you your well logs if I can get them from the driller.

Sincerely,



Thomas M. Brandner
Natural Resources Engineer
605 773-3352

cc: Jim Stukel, SD Division of Conservation





Elkton, S. D.
Dec 23, 1991

Dear Sam,

Enclosed is a check for \$50.⁰⁰
for Water Permit No. 4295-3A.

The water license is to be issued
upon the receipt of this check.

Yours truly,
Larry W. Moulton

Permit No. 4295-3BIG SIOUX RIVER Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by LARRY W. MOULTON of ELKTON, SD holder ofPermit No. 4295-3, bearing the priority of JUNE 26, 1978 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 conditions of the same as follows:

- A. Works used to divert the water: (CHEMICALS ADDED)
 ONE 50' DEEP WELL WITH 16" DIA. STEEL CASING + 15' SS JOHNSON SCREEN
 WESTERN LAND ROLLER PUMP; HEAD-6M; 5' I.D.C.H.; 600 GPM CAPACITY; SERIAL #
 POWERED BY A 50 HP U.S. ELECTRIC HIGH THRUST MOTOR; TYPE-RU; 1765 RPM; ID # C78195
- B. Works used to transport water to place of use:
 1585' OF 8" BURIED PVC PIPE FROM WELL TO CENTER PIVOT

R-6232-04460
R2120265

C. Works used to apply water to beneficial use:

AN 8 TOWER REINKE ELECTRODATOR CP WITH NELSON 100 END GUN.
 1284' LONG, HIGH PRESSURE (70 PSI AT PIVOT), 600 GPM CAPACITYThe system is in the following condition GOODThe point of diversion is located 400' W AND 50' N OF THE SE CORNER OF SECTION 32, T109N, R47W.The works are capable of diverting and conveying to the place of use 1.34 (1.00 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 SECTION 32, T109N, R47WNW 1/4 SE 1/4 - 34 ACRESNE 1/4 SE 1/4 - 34 "SE 1/4 SE 1/4 - 34 "SW 1/4 SE 1/4 - 34 "comprising a total of 136 acres of land and the license should be issued for 1.34 cfsApplicable permit qualifications have been complied with Yes ☒ NoExceptions to compliance are: 1. NEEDS A CHANGE IN DIVERSION PT. Date 8-12-882. WELL LOG NEEDED (GRIMSHAW)3. POSSIBLY NEW SOIL/WATER APP.Thomas M. Brander
(sig. auth.)

LICENSE FOR PERMIT NUMBER 4395-3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm Grimshaw - has log will send

Completion Report Yes ___ No ___ No. of Wells 1 Depth 50'

Casing a) diameter 16" Screen a) type SS Johnson

b) length _____ b) length 15'

c) type steel Static Water Level _____

Pump a) make Western Roller Motor a) make U.S. Electric High Thrust

b) model C-78695 b) model No. R-6232-04-100

c) size _____ c) horsepower rating 10

d) capacity 600 gpm type RK

e) turbine pump - no. of stages 5 100 H Head - 6M 1765 rpm

f) operating PSI _____

3. Distribution lines or canals

a) size 8"

b) type plastic

c) length to pivot

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make Reinke Electrogator
- 2) number of towers 8
- 3) distance between towers _____
- 4) overall length full 1282'
- 5) end gun (Y/N) y Nelson 100
- 6) high or low pressure high
- 7) make & size of nozzles
70 psi - at pivot
- 8) capacity (GPM) 600

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
---	---	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
---	---	2. Special qualifications to permit being abided by?
---	---	3. All structures, wells and lands on map?
---	---	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
---	---	5. Is chemigation used?
---	---	6. If yes, does equipment comply with chemigation rules?

REMARKS:

RECEIPT

Division of Water Rights

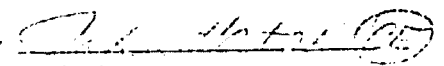
South Dakota Department of Water and Natural Resources

443926

Pierre, January 22, 1992

RECEIVED OF Sunnyview Farms, P.O. Box 6, Elkton, SD 57026
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. 4255-5A	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	50	00

By 
Chief Engineer

South Dakota

GREAT FACES. GREAT PLACES.

FEB 17 1982

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

4295-3A

Larry W. Moulton
RR 1, Box 6
Elkton, SD 57026

Dear Mr. Moulton:

Enclosed is Water License No. 4295-3A. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413028 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4295-3A, 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, 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

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

enclosures

NOTE: The applicable portions of Water Permit No. 4295-3 are incorporated into this Water License No. 4295-3A. A priority date of June 26, 1978 is retained.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4295-3A

(1) Larry W. Moulton of RR 1, Box 6, Elkton, SD 57026 made Application No. 4295-3A, December 1, 1988 for a water permit to appropriate no additional cubic feet of water per second from groundwater (one well), Brookings County, South Dakota for irrigation purposes. Permit No. 4295-3A with a priority date of June 26, 1978 was approved June 19, 1991 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 4295-3A specifies the correct location of a well authorized by Water Permit No. 4295-3. No. 4295-3A did not authorize any increase in the developed diversion rate or acreage irrigated.

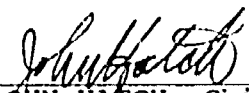
The applicable portions of Water Permit No. 4295-3 are incorporated into this Water License No. 4295-3A. A priority date of June 26, 1978 is retained.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.34 cubic feet of water per second for beneficial use. The location of the diversion point(s) is: 400'W and 50'N of the SE corner of Section 32, T109N, R47W (SE 1/4 SE 1/4).

(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:

T109N, R47W Section 32	NW 1/4 SE 1/4	34 Acres
	NE 1/4 SE 1/4	34 Acres
	SE 1/4 SE 1/4	34 Acres
	SW 1/4 SE 1/4	34 Acres
	Total-----	136 Acres

(4) Pursuant to Section 46-5-30.1 Larry Moulton of RR 1, Box 6, Elkton, SD 57026 the holder(s) and/or owner(s) of Incorporated Water Permit No. 4295-3A is issued a license to appropriate water, the right to use 1.34 cubic feet of water per second from groundwater (one well) with a priority date of June 26, 1978 from the location specified in (2) of this license. The water is 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 Incorporated Water Permit No. 4295-3A and subject to South Dakota State Law.

 FEB 17 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, December 1, 1998, 19

RECEIVED OF Larry W. Houlton, RR 1, Box 6, Elkton SD 57026
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>4295-3A</u> to Appropriate Water, to construct works and to put water to beneficial use	50	00
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		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH

GRIMSHAW DRILLING CO.

DRILLING LOG

924 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

4295-3A

Name LARRY MOUTON Date 11-10-78

Address EIKEN

County BRONCKS Sec. 5 Twp. 1 Range 1

NO. FT.	DIA.	RATE	CASING	TOTAL
100'	4 3/4"	2.50		\$130.00

BALANCE DUE:

0 ft. to 2 ft. Topsoil ft. to ft.
 2 ft. to 36 ft. Red Sand & Gravel ft. to ft.
 36 ft. to 40 ft. Fine Grey Sand ft. to ft.
 40 ft. to 50 ft. Medium to coarse Grey Sand ft. to ft.
 50 ft. to 55 ft. Blue Green Clay ft. to ft.
 55 ft. to 60 ft. Brown Clay ft. to ft.
 ft. to ft. ft. to ft.
 ft. to ft. ft. to ft.
 ft. to ft. ft. to ft.
 ft. to ft. ft. to ft.
 ft. to ft. ft. to ft.

STATIC WATER LEVEL 5 ft. Driller
DRILLER

REMARKS: Should be as good as any
well.



GRIMSHAW DRILLING CO.

DRILLING LOG

924 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

Name LARRY MOUTON Date 11-10-78
Address ELKTON
County BROOKINGS Sec. Twp. Range

NO. FT.	DIA.	RATE	CASING	TOTAL
<u>60'</u>	<u>4 3/4"</u>	<u>\$2.50</u>	<u>—</u>	<u>\$150.00</u>

BALANCE DUE:

0 ft. to 2 ft. Topsoil ft. to ft.
2 ft. to 48 ft. Red Sand + Gravel ft. to ft.
48 ft. to 55 ft. Grey Sand ft. to ft.
55 ft. to 60 ft. Blue clay ft. to ft.
ft. to ft. ft. to ft.
ft. to ft. ft. to ft.
ft. to ft. ft. to ft.
ft. to ft. ft. to ft.
ft. to ft. ft. to ft.
ft. to ft. ft. to ft.
ft. to ft. ft. to ft.

STATIC WATER LEVEL ft. Sandylin Wald
DILLER

REMARKS: Suggest 12' to 15' of "80" slot screen. Should produce 600-800 gpm.



GRIMSHAW DRILLING CO.

DRILLING LOG

924 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

Name LARRY Moulton Date 11-10-78
Address Elkton S.D.
County Brookings Sec. _____ Twp. _____ Range _____

NO. FT.	DIA.	RATE	CASING	TOTAL
40'	4 3/4	\$2.50		\$100.00
900' R. of existing well				

BALANCE DUE:

0 ft. to 2 1/2 ft. Topsoil _____ ft. to _____ ft.
2 1/2 ft. to 6 ft. Red Gravel _____ ft. to _____ ft.
6 ft. to 10 ft. Grey Sand & Gravel _____ ft. to _____ ft.
10 ft. to 18 ft. Brown Clay _____ ft. to _____ ft.
18 ft. to 40 ft. Brown & Blue Clay _____ ft. to _____ ft.
_____ ft. to _____ ft. _____ ft. to _____ ft.
_____ ft. to _____ ft. _____ ft. to _____ ft.
_____ ft. to _____ ft. _____ ft. to _____ ft.
_____ ft. to _____ ft. _____ ft. to _____ ft.
_____ ft. to _____ ft. _____ ft. to _____ ft.
_____ ft. to _____ ft. _____ ft. to _____ ft.

STATIC WATER LEVEL _____ ft.

Larry M. Wolf
DRILLER

REMARKS:



GRIMSHAW DRILLING CO.

DRILLING LOG

924 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

Name LARRY MOUTON Date 11-10-78

Address Elkton

County Brown Sec. 15 Twp. 15 Range 15

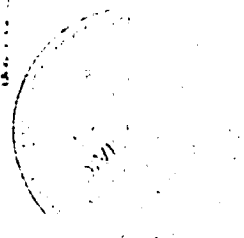
NO. FT.	DIA.	RATE	CASING	TOTAL
60'	4 1/2"	2.50	—	150.00

BALANCE DUE:

0 ft. to 2 ft. Topsoil
2 ft. to 48 ft. Red Sand & Gravel
48 ft. to 55 ft. Grey Sand
55 ft. to 60 ft. Blue Clay
____ ft. to ____ ft. _____
____ ft. to ____ ft. _____
____ ft. to ____ ft. _____
____ ft. to ____ ft. _____
____ ft. to ____ ft. _____
____ ft. to ____ ft. _____
____ ft. to ____ ft. _____
____ ft. to ____ ft. _____
____ ft. to ____ ft. _____

STATIC WATER LEVEL _____ ft. 5' 0" (at 11:15)
DRILLER [Signature]

REMARKS: 5' 0" to 15' of solid shot
screen. Should produce 600-800 gpm.



DRILLING LOG

Name LARRY MONTGOMERY Date 11-10-78
Address ELKTON
County BRECKINRIDGE Sec. Twp. Range

[illegible][illegible]

STATIC WATER LEVEL _____ ft. Harry M. Wolf
DRILLER

REMARKS: Should be as good as existing well.



DRILLING LOG

Name LARRY Moulton Date 9-28-78
Address 1111 S D
County Yuba Sec. 1 Twp. 1 Range 1

[illegible]

BALANCE DUE: _____

0 ft. to 2 1/2 ft. Topsoil [Middle N. Granite] _____ ft. to _____ ft.

2 1/2 ft. to 10 ft. Brown Clay _____ ft. to _____ ft.

10 ft. to 40 ft. Blue Clay _____ ft. to _____ ft.

_____ ft. to _____ ft. _____ ft. to _____ ft.

0 ft. to 2 ft. Topsoil _____ ft. to _____ ft.

2 ft. to 7 ft. Red Gravel _____ ft. to _____ ft.

7 ft. to 10 ft. Brown Clay [S.W. Corner N. Granite] _____ ft. to _____ ft.

10 ft. to 24 ft. Blue Clay _____ ft. to _____ ft.

24 ft. to 28 ft. Blue Green Clay _____ ft. to _____ ft.

28 ft. to 30 ft. Red Sand _____ ft. to _____ ft.

30 ft. to 68 ft. Brown Clay _____ ft. to _____ ft.

68 ft. to 90 ft. Red Sand _____ ft. to _____ ft.

STATIC WATER LEVEL _____ ft.

90 ft. to 80 ft. Blue Clay (hard) _____ ft. to _____ ft.

DRILLER Senary M. Wolf

REMARKS:

GRIMSHAW DRILLING CO.

DRILLING LOG

924 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

Name LARRY M. HEN Date 9-28-78
Address ELPIN S.D.
County BROOKINGS Sec. Twp. Range

NO. FT.	DIA.	RATE	CASING	TOTAL
<u>1-0</u>	<u>4 1/2"</u>	<u>—</u>		

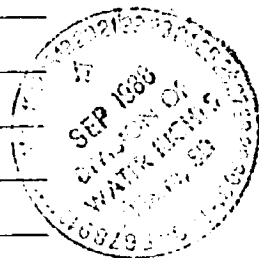
BALANCE DUE:

0 ft. to 2 1/2 ft. Trsoul ft. to ft.
2 1/2 ft. to 4 ft. Red Gravel ft. to ft.
4 ft. to 38 ft. Red Sand + Gravel to ft.
38 ft. to 52 ft. Grey Sand + Gravel to ft. (UNITED BANK)
52 ft. to 53 ft. Boulders ft. to ft.
53 ft. to 60 ft. Blue-Green clay ft. to ft.
 ft. to ft. ft. to ft.
 ft. to ft. ft. to ft.
 ft. to ft. ft. to ft.
 ft. to ft. ft. to ft.
 ft. to ft. ft. to ft.

STATIC WATER LEVEL 10 ft.

Larry M. Hen
DRILLER

REMARKS: Good coarse material 4 1/2" thick
Suggest .080" slot Johnson S.S. screen 1/2" dia.



GRIMSHAW DRILLING CO.

DRILLING LOG

924 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

Name LARRY MOULTON Date OCT. 5, 78

Address ELKTON, SD

County BROOKINGS Sec. _____ Twp. _____ Range _____

NO. FT.	DIA.	RATE	CASING	TOTAL
51	30"	25.00	DRILLING	\$1275.00
36'	16"	13.00	PLASTIC	459.00
15'	16"	25	JOHNSON SCREEN	1886.00

BALANCE DUE:

0 ft. to 2 ft. TOP SOIL
2 ft. to 8 ft. CLAY
8 ft. to 51 ft. SAND & GRAVEL
w/ CLAY STRATS
____ ft. to ____ ft. _____ ft. to ____ ft. _____
____ ft. to ____ ft. _____ ft. to ____ ft. _____
____ ft. to ____ ft. _____ ft. to ____ ft. _____
____ ft. to ____ ft. _____ ft. to ____ ft. _____
____ ft. to ____ ft. _____ ft. to ____ ft. _____
____ ft. to ____ ft. _____ ft. to ____ ft. _____
____ ft. to ____ ft. _____ ft. to ____ ft. _____
____ ft. to ____ ft. _____ ft. to ____ ft. _____

STATIC WATER LEVEL 9 ft. J. Moulton
DRILLER

REMARKS: 15' @ 103 PER- 1545
2 WELD RINGS @ 84 EA. 128
1 PLASTIC & WATER 60
1 BOTTOM 103
FREIGHT 1886



GRIMSHAW DRILLING CO.

P.O. BOX 81
CHESTER, S.D. 57016

LARRY WOLD
(605) 489-2182

DRILLING
LOG

JAY VAN LIERE
(605) 489-2427

Name LARRY Moulton Date 4-28-81
Address RR 1 ELKTON SD
County BROOKINGS Sec. 28 Twp. 109 Range 47

NO. FT.	DIA.	RATE	CASING	TOTAL
<u>100'</u>	<u>1 1/4</u>	<u>\$3.60</u>		<u>\$350.00</u>

BALANCE DUE:

#1/ 0 ft. to 2 ft. Topsoil
2 ft. to 3 ft. Brown Clay
3 ft. to 17 ft. Dry BROWN Sand & GRAVEL
17 ft. to 21 ft. Water Bearing BROWN SAND
21 ft. to 35 ft. BROWN clay
35 ft. to 83 ft. Blue CLAY
83 ft. to 85 ft. SAND
85 ft. to 100 ft. BLUE CLAY
_____ ft. to _____ ft. _____

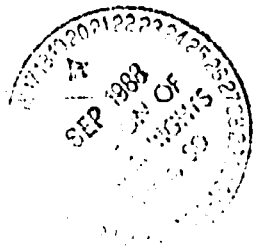
STATIC WATER LEVEL

17 ft.

Larry Moulton
OWNER

REMARKS:

MIDDLE OF 5 QUARTER - NOT
ENOUGH SAND TO DEVELOP.



GRIMSHAW DRILLING CO.

P.O. BOX 81
CHESTER, S.D. 57016

LARRY WOLD
(605) 489-2182

DRILLING
LOG

JAY VAN LIERE
(605) 489-2427

Name

Date

Address

County

Sec.

Twp.

Range

NO. FT.	DIA.	RATE	CASING	TOTAL
100'	1 1/4"	\$3.50	—	\$350.00
		1 1/2% EXCESS TIME		\$5.25

BALANCE DUE:

\$355.25

#3/

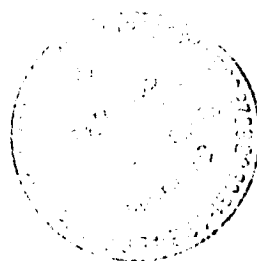
0 ft. to 2 ft. Topsoil
2 ft. to 6 ft. BROWN CLAY
6 ft. to 12 ft. RED + BROWN SAND + GRAVEL
12 ft. to 16 ft. BROWN CLAY
16 ft. to 100 ft. BLUE CLAY

[200 yds N of windmill]

STATIC WATER LEVEL

REMARKS:

NOT ENOUGH SAND to develop



GRIMSHAW DRILLING CO.

P.O. BOX 51
CHESTER, S.D. 57016

LARRY VOLD
(605) 429-2182

DRILLING
LOG

JAY VAN LIEFE
(605) 489-2427

Name LARRY Moulton JR Date 4-28-81

Address R.R. 1 E/K/ton S.D.

County Brookings Sec. 28 Twp. 109 Range 47

IN. FT.	DIA.	RATE	CASING	TOTAL
<u>40'</u>	<u>4 1/4"</u>	<u>53.50</u>	<u>—</u>	<u>140.00</u>

BALANCE DUE:

124 0 ft. to 3 ft. Topsoil
3 ft. to 6 ft. Brown Clay
6 ft. to 12 ft. Brown Sand + Gravel
12 ft. to 22 ft. Brown Clay
22 ft. to 40 ft. Blue Clay
 _____ ft. to _____ ft. _____
 _____ ft. to _____ ft. _____
 _____ ft. to _____ ft. _____
 _____ ft. to _____ ft. _____

STATIC WATER LEVEL _____ ft.

REMARKS:

Not enough to develop.



GRIFFIN SHAW DRILLING CO.

P.O. BOX 81
CHESTER, S.D. 57016

LARRY WOLD
(605) 489-2182

DRILLING
LOG

JAY VAN LIERE
(605) 489-2427

Name LARRY Moulton JR. Date 4-28-81

Address R.R. 1 EIKLON S.D.

County BRACKEN Sec. 28 Twp. 109 Range 97

NO. FT.	DIA.	RATE	CASING	TOTAL
<u>40'</u>	<u>4 3/4"</u>	<u>\$3.50</u>	<u>—</u>	<u>140.00</u>

BALANCE DUE:

#3 0 ft. to 3 ft. Topsoil
3 ft. to 8 ft. Brown Clay
8 ft. to 32 ft. Brown Sand & Gravel
32 ft. to 36 ft. Brown Clay
36 ft. to 40 ft. Blue Clay

[5. edge of SW 1/4 in East draw]

ft. to ft.

ft. to ft.

STATIC WATER LEVEL 9' Larry M. Wold
DRILLER

REMARKS:



GRIMSHAW DRILLING CO.

P.O. BOX 81
CHESTER, S.D. 57016

LARRY WOLD
(605) 489-2182

DRILLING
LOG

JAY VAN LIERE
(605) 489-2427

Name Larry Moulton Jr Date 4-28-81

Address _____

County BROOKINGS Sec. 28 Twp. 109 Range 47

NO. FT.	DIA.	RATE	CASING	TOTAL

BALANCE DUE:

0 ft. to 2 ft. Topsoil
2 ft. to 4 ft. Brown Clay
4 ft. to 12 ft. DRY BROWN CLAY
12 ft. to 36 ft. WATER BEARING BROWN SAND
36 ft. to 38 ft. BROWN CLAY
38 ft. to 40 ft. BLUE CLAY

1800 ft. to E of middle -- N QUARTER

____ ft. to ____ ft. _____

STATIC WATER LEVEL

12 ft.

Larry M. Wold
DRILLER

REMARKS:



GRIMSHAW DRILLING CO.

P.O. BOX 81
CHESTER, S.D. 57016

LARRY WOLD
(605) 489-2182

DRILLING
LOG

JAY VAN LIERE
(605) 489-2427

Name LARRY Moulton JR. Date 4-28-81

Address RR 1 ELLTON SD

County BROOKINGS Sec. 28 Twp. 109 Range 47

NO. FT.	DIA.	RATE	CASING	TOTAL
50'	4 3/4"	\$3.50	---	\$175.00
40'				140.00
40'				140.00
40'				140.00
100'				350.00

BALANCE DUE:

15/0 ft. to 2 ft. Topsoil 14.12

2 ft. to 13 ft. Dry BROWN SAND 959.18

13 ft. to 45 ft. Water Bearing BROWN SAND & GRAVEL

45 ft. to 50 ft. BLUE CLAY

200 yds ft. to 10 ft. at SE CORNER OF SW 1/4

ft. to ft.

ft. to ft.

ft. to ft.

STATIC WATER LEVEL 13 ft. Larry M Wold

REMARKS:



4295-3A

GRIMSHAW DRILLING CO.

P.O. BOX 81
CHESTER, S.D. 57016

LARRY WOLD
(605) 489-2182

DRILLING
LOG

JAY VAN LIERE
(605) 489-2427

Name LARRY Moulton Date 5-28-81
Address R.R. 1 Elkton S.D.
County Brookings Sec. 28 Twp. NW 1/4 109 Range 47

NO. FT.	DIA	RATE	CASING	TOTAL
<u>40'</u>	<u>4 1/4"</u>	<u>23.50</u>	<u>—</u>	<u>140.00</u>

BALANCE DUE:

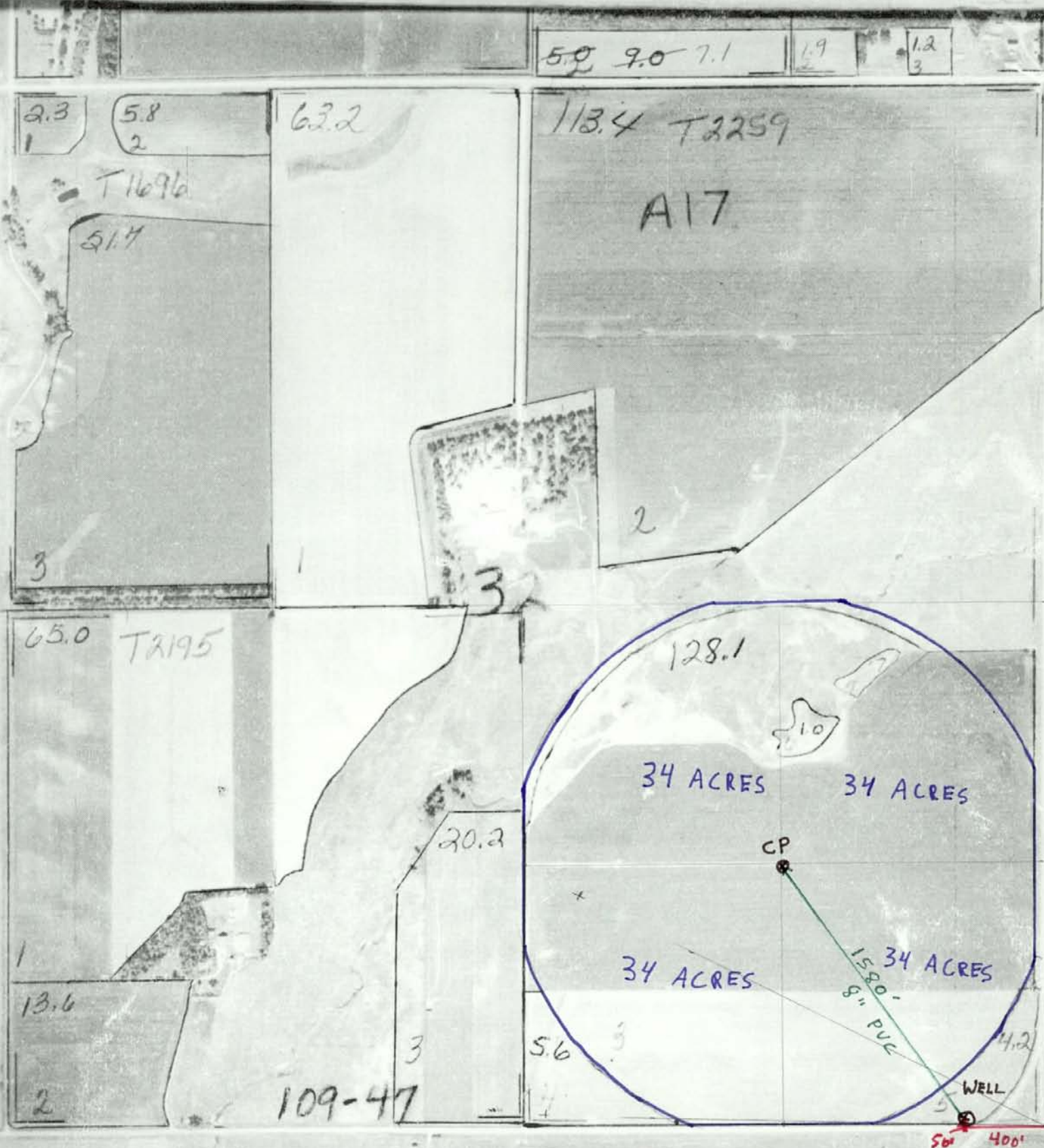
#2/0 ft. to 2 ft. Topsoil
2 ft. to 3 ft. Brown Clay
3 ft. to 10 ft. Dry Brown Sand + Gravel
10 ft. to 33 ft. Water Bearing Brown Sand
33 ft. to 36 ft. Brown Clay
36 ft. to 40 ft. Blue Clay
[middle of NW 1/4]
ft. to ft.



STATIC WATER LEVEL 10' ft. Larry M. Wold

REMARKS: 23' of water bearing sand -
suggest 10' of .080" slot 5.5. screen
well should produce 300 - 600 gpm

NOT TO SCALE

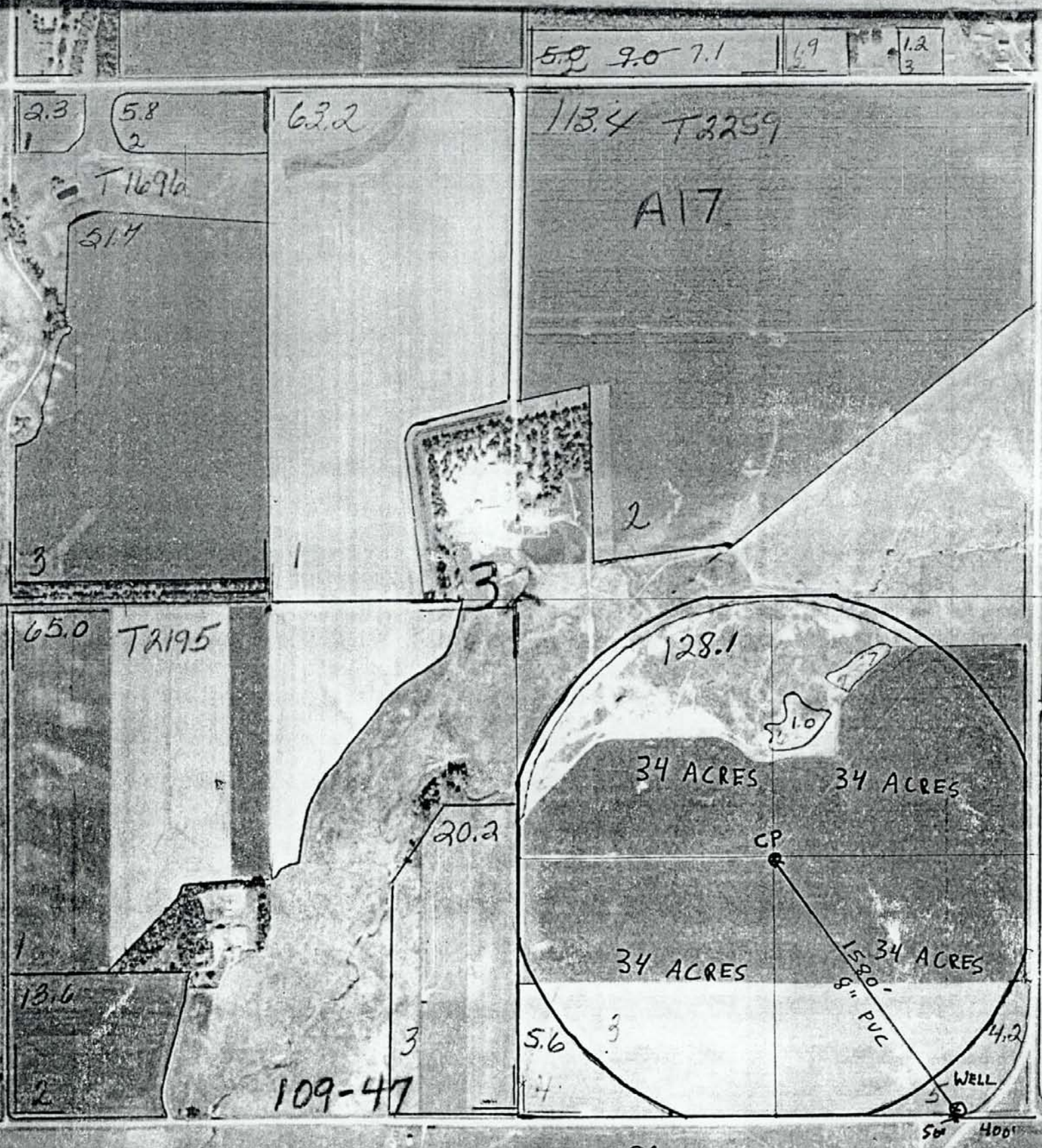


Thomas M. Barden
8-12-88

4295A-3

4295A-3

NOT TO SCALE



- Thomas M. Beard
8-12-88



DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: LARRY W MOULTON, 48549 219TH ST, ELKTON, SD 57026 7302

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 4332-3 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 **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4295-3A in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4332-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq/aspx>

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



4295-3A

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9921

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

Your item was delivered at 10:07 AM on January 23, 2010 in ELKTON, SD 57026. The item was signed for by A MOULTON.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 23, 2010, 10:07 am, ELKTON, SD 57026
- Out for Delivery or Available at PO Box, January 23, 2010, 9:36 am, ELKTON, SD 57026
- Sorting Complete, January 23, 2010, 9:06 am, ELKTON, SD 57026
- Arrival at Post Office, January 23, 2010, 8:15 am, ELKTON, SD 57026

Notification Options

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 9921

LARRY W MOULTON
48549 219TH ST
ELKTON SD 57026 7302

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2010

4332-3
4295-3A

David Moss
48549 219th St
Elkton SD 57026 7302

Dear Mr. Moss:

I am writing to acknowledge receipt of the 2009 irrigation questionnaires for Water Rights listed in the name of Larry W Moulton. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for these water rights. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

In follow-up to our phone conversation, I am enclosing the following documents:

- Copies of Water Right Nos. 4332-3 and 4295-3A (including map and inspection report);
- 2006-2008 irrigation questionnaires for both water rights.

You can keep them for your files. The copies of the water rights will give you an idea of what is authorized for irrigation. The copies of the questionnaires will show you how Mr. Moulton completed them in the past.

Also enclosed for Alice to sign are partially completed Notice of Transfer of Ownership forms for filing an ownership change on each water right. Upon completion, please return them to our office with a required filing fee of \$50.00 each (total of \$100.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures

RECEIVED

APR - 9 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4295-3A

Date: 4-5-10

I/We request that Water Right No. 4295-3A

formerly owned by: Larry W Moulton

be transferred to: (name & address) Alice moulton (LARRY'S wife)
48549-219th St
Elkton SD 57026 Telephone No. 605 5422461

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

136 acres - SE 1/4 Section 32, T109N, R47W

I/We understand that the validity of Water Right No. 4295-3A 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 Fifty Dollars (\$50.00) 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 Alice moulton, the new owner, certify that the above information is true and correct.

Alice Moulton
(Signed by new owner)

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

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

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 4/9, 20 10

RECEIVED OF Alice Moulton 48549 219th St Elkton SD 57026

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4295-3A</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04529

By

Julia Erdreich
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 13, 2009



4332-3
4295-3A

Alice Moulton
48549 219th St
Elkton SD 57026 7302

Dear Ms. Moulton:

I am writing to acknowledge receipt "Notice of Transfer of Ownership" forms and filing fees you submitted for transferring ownership of Water Right Nos. 4332-3 and 4295-3A. The ownership changes have been completed. The water rights formerly held by Larry W Moulton are now listed in your name.

Enclosed are your Receipt Nos. 04529 and 04530 in the amount of \$50.00 each. You may keep these for your records.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2013

NOTICE

TO: DAVID MOSS, MGR, 48551 219TH ST, ELKTON, SD 57026
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaires

Our records indicate that the 2012 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 4332-3 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 **8:30 am, March 7, 2013** 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) 4332-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, 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>

c: ALICE MOULTON, 48549 219TH ST, ELKTON SD 57026 7302

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.

4295-3A



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 2013

4295-3A
4332-3

David Moss
48551 219th St
Elkton SD 57026

Dear Mr. Moss:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires. You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right Nos. 4295-3A and 4332-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change with each water right. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

In the event you do not have them, I have included copies of the water rights. You may keep these for your files. 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 10, 2013

4295-3A
4332-3

David Moss
48551 219th St
Elkton SD 57026

Dear Mr. Moss:

In January, 2013, I contacted you about filing of ownership changes for Water Rights listed in the name of Alice Moulton. To date, we have not received anything back from you.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change with each water right. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

It is important to keep water rights up to date with current ownership. Under South Dakota Water law, Notice of any sale, grant, lease, conveyance or other transfer of a water right permit or right must be filed with the Chief Engineer of the Water Rights Program within 90 days. No assignment of a permit or right is binding, except upon the parties thereto, unless filed for record in the Water Rights Program.

If you do not own the land and I need to be contacting someone else, please give me a call. Thank you in advance for your help.

Sincerely,

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

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

enclosures

4295-3A



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 22, 2013

4295-3A
4332-3

David or Rachel Moss
48549 219th St
Elkton SD 57026

Dear Mr. & Mrs. Moss:

I am writing to acknowledge receipt of the transfer of ownership forms you submitted for Water Right Nos. 4295-3A and 4332-3.

The forms were completed properly however the ownership changes cannot be filed for record without the fee as required by statute. My last correspondence may not have been clear with respect to the fee.

A fee of \$50 for each transfer is required (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

Once the \$100 fee filing fee is received, the water rights listed in the name of Alice Moulton will be transferred to your names.

Sincerely,

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

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

RECEIVED

JUL 22 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4295-3A

Date: 7-15-13

I/We request that Water Right No. 4295-3A

formerly owned by: Alice Moulton

be transferred to: (name & address) David Moss or Rache Moss
48549-219th St
Elkton SD 57026 Telephone No. 605 6955120

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

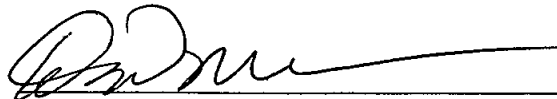
136 acres - SE 1/4 Section 32, T109N, R47W

I/We understand that the validity of Water Right No. 4295-3A 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 Fifty Dollars (\$50.00) 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 David or Rache Moss, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/7, 20 13

RECEIVED OF David Moss 48551 219th St Elkton SD 57026

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4295-3A</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	50	00
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06454**

By J. Anne Goodman
Chief Engineer

4295-3A



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 26, 2013

4295-3A
4332-3

David or Rachel Moss
48549 219th St
Elkton SD 57026

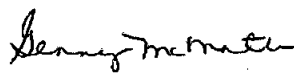
Dear Mr. & Mrs. Moss:

On July 22nd, we received the transfer of ownership forms from you for Water Right Nos. 4295-3A and 4332-3. I wrote back to you to obtain the filing fees as required by statute and to date have not received anything back from you.

A fee of \$50 for each transfer is required (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

Once the \$100 fee filing fee is received, the water rights listed in the name of Alice Moulton will be transferred to your names.

Sincerely,


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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 7, 2013

4295-3A
4332-3

David or Rachel Moss
48549 219th St
Elkton SD 57026

Dear Mr. & Mrs. Moss:

Thank you for following up on the ownership changes for Water Right Nos. 4295-3A & 4332-3.

The ownership changes have been completed. The water rights formerly held by Alice Moulton are now listed in your names.

Enclosed for your records are Receipt Nos. 06454 and 06455 in the amounts of \$50 each. 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



4295-3A
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 16, 2015

NOTICE

TO: DAVID & RACHEL MOSS, 48549 219TH ST, ELKTON, SD 57026 7302

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 4332-3 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 **10:00 am, March 4, 2015** 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) 4332-3 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 4, 2015** 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 23, 2015

NOTICE

TO: David & Rachel Moss, 48549 219th St, Elkton SD 57026 7302

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right
Nos. 4295-3A and 4332-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you twice to pick up and sign for the certified mail.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

February 27, 2015

4295-3A
4332-3

David & Rachel Moss
48549 219th St
Elkton SD 57026 7302

Dear Mr. & Mrs. Moss:

I am writing to acknowledge receipt of the information for your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 4295-3A and 4332-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 23, 2016

4295-3A

Reuben Nicolai
4800 S 33rd St
LaCrosse WI 54601

Dear Mr. Nicolai:

I am writing in regard to ownership of land described in Water Right No. 4295-3A. Recently you confirmed that you purchased the land in 2015 from David Moss.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have enclosed a copy of the water right for your records. If I can answer any questions, please let me know.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 1, 2016

4295-3A

Reuben Nicolai
4800 S 33rd St
LaCrosse WI 54601

Dear Mr. Nicolai:

I am writing in regard to ownership of land described in Water Right No. 4295-3A, currently held by David & Rachel Moss. On February 23, 2016, I forwarded you a "transfer of ownership" for use in filing an ownership change on the water right. To date we have not received anything back from you.

It is important to keep ownership records current. In the event you no longer have the original form, I am enclosing another partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions, please let me know.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 29, 2016

4295-3A

Reuben Nicolai
4800 S 33rd St
LaCrosse WI 54601

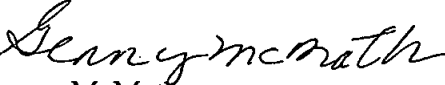
Dear Mr. Nicolai:

Thank you for visiting with me today concerning the ownership change needed for Water Right No. 4295-3A, held by David & Rachel Moss. I have included a copy of past correspondence and also a copy of the water right for your records.

In the event you no longer have the original form, I am enclosing another partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions, please let me know.

Sincerely,


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

enclosure

RECEIVED

OCT - 5 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4295-3A

Date: 9/30/15

I/We request that Water Right No. 4295-3A

formerly owned by: David or Rachel Moss

be transferred to: (name & address)

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

Telephone No. 609 787 5685

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

136 acres - SE ¼ Section 32, T109N, R47W

I/We understand that the validity of Water Right No. 4295-3A 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 Fifty Dollars (\$50.00) 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 _____, the new owner, certify that the above information is true and correct.

Reuben 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/5, 20 16

RECEIVED OF Rueben Nicolai 4800 S 3rd St LaCrosse 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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4295-3A</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07930**

By *John Goodman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 5, 2016

4295-3A

Reuben Nicolai
4800 S 33rd St
LaCrosse WI 54601

Dear Mr. Nicolai:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for filing an ownership change with Water Right No. 4295-3A.

The ownership change has been completed. Water Right No. 4295-3A, formerly held by David & Rachel Moss is now listed in your name.

Enclosed for your records is Receipt No. 07930 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure



4295-3A
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.

4295-3A



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, reading "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

4295-3A



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.

4295-3A



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,

A handwritten signature in cursive script, reading "Genny McMath".

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

4295-3A



**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.

4295-3A



**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 Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4295-3A. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 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. 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, 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 questionnaire(s) 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.



**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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 16, 2024

4295-3A

Reuben Nicolai (Estate)
4535 Morman Coulee Rd
Lacrosse WI 54601

To whom it may concern:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 4295-3A. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



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.