

Water Right Number 4407-3

1. Considered MAY 24, 19 79
2. Name of Applicant DAN MERKMAN
3. Post Office Address GEDDES, S.D. 24-07-67
4. Amount of water claimed 1.63
5. Source of water supply DRY DRAW & MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 114.5
7. Water to be diverted and used in CHARLES MIX County
about 4 Miles SOUTH of GEDDES
8. Proof of Publication
Received 5-17-79
Not received _____
9. Application
Approved 5-24-79
Subject to Comb w/2560-3
Not approved _____
Action deferred _____

10. Remarks:

2560-3

No. 4467-3
 Map No. 3597-3 Water Division No. 3 MISSOURI RIVER
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through item not applicable)

1. Name of Applicant: Dan Merkwan
 Postoffice address: Geddes, State: South Dakota
 If a corporation show date and place of incorporation: _____
2. Method of accomplishing work (contract, employment of others, or by direct labor): _____
3. Name of diversion work: Merkwan Storage Permit
4. Amount of water claimed (cubic feet per second): 1.63
5. Source of water supply: dry draw (storage) & MISSOURI RIVER
6. Location of point of diversion: SE 1/4 NW 1/4, SEC. 24-T77N-R47W

- County: Charles Mix
7. Annual period or periods during which water is to be used: April thru October
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.): irrigation
 9. For irrigation use, _____ Total number of acres to be irrigated: 114.5

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 NW 1/4 24-97N-67W	19.8		
S 1/4 NW 1/4 24-97N-67W	42.6		
NE 1/4 NW 1/4 24-97N-67W	22.1		
NE 1/4 SW 1/4 24-97N-67W	30.0		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system: 5 years. Additional time required to complete application of water to the proposed beneficial use: 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication: Charles Mix Co. News, Geddes
12. Principal Features of the Proposed Water Supply System.

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

Proposed storage dam
Pump & Motor

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

Mainline

C. Works proposed to apply water to beneficial use.

Gravity

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)

County of Hughes)

I, Dan Merkwan the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Signed Dan Merkwan
 6th day of March, 1979
 Subscribed and sworn to before me this _____

Betty Westlund
 Notary Public (or other qualified officer)
 Betty Westlund, Water Rights Specialist

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4407-3
DAN MERKMAN GEDDES
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57342
 (State) With the following modifications

THIS PERMIT IS IN ADDITION TO PERMIT No. 2560-3.

Combinations of diversions under the two permits shall not exceed the Statutory limit of 1 c.f.s. for each 70 acres of land to be irrigated.

Approval of this Permit authorizes storage of 200 acre feet annually.

Date of first receipt of application MARCH 6 19 79
 Date of return to applicant for correction, amendments or changes required _____ 19 _____
 Date of receipt of corrected application NO MAY 4 19 79
 Approved MAY 24 19 79, Recorded in Book 20 Page 337
 WATER RIGHT PERMIT NO. 4407-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4407-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MARCH 6 19 79
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 24 19 81
3. The whole of said work is to be completed on or before MAY 24 19 84
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 24 19 88
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.63 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses, and if for the irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MAY 24 19 88; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 7th day of JUNE 19 79

WATER RIGHTS COMMISSION

By:

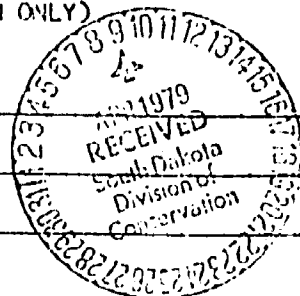
John H. Hahn
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

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

NAME Dan Merkwan 337-2233
ADDRESS RR# 1, Geddes, SD 57342
COUNTY Charles Mix

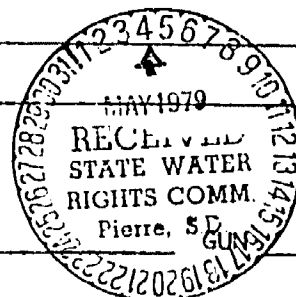


LEGAL DESCRIPTION

- Dam
1. WXXX LOCATION SE 1/4 NW 1/4 24-97-67 (83 ac.) (37 ac.)
2. LOCATION OF AREA TO BE IRRIGATED NW 1/4 & NE 1/4 SW 1/4 24-97-67

TYPE OF IRRIGATION

3. GRAVITY X & TOWLINE X CENTER PIVOT
4. CROPS TO BE IRRIGATED Corn and Alfalfa



WATER QUALITY

5. SAMPLE NUMBER 79-145
6. SALINITY (EC X 10⁶) 17.54
7. SODIUM (SAR) 4.10 Adjusted SAR = 2.30
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0.0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and:
the soils information has been acquired from Charles Mix Conservation District,
County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true
and correct.

Dan Merkwan
APPLICANT'S SIGNATURE

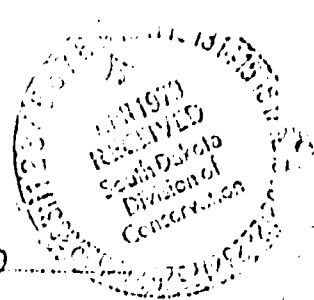
SUBSCRIBED AND SWORN BEFORE ME THIS
24 DAY OF March 19 79.

(TITLE OR SEAL)

Richard L. Harner
APPROVED / ~~DISAPPROVED~~

(SOILS INFORMATION ON REVERSE SIDE)

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007



Submitted by: Dan Merkwan
Address: Rt. 1
Ceddes, SD 57342

Date Rec'd March 29, 1979
Sample No. 79-145
Identification Dom
104, Sec. 24, T. 97N, R. 67W

WATER ANALYSIS

Calcium (Ca)	107	ppm*	5.35	me/l**
Magnesium (Mg)	59	ppm	4.84	me/l
Sodium (Na)	57	ppm	2.48	me/l
Potassium (K)	32	ppm	0.83	me/l
Sulfate (SO ₄)	20	ppm	8.11	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	40	ppm	1.12	me/l
Bicarbonate (HCO ₃)	127	ppm	2.08	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	104	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1224	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.10	Adjusted SAR	2.30	
Sodium	18.40	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.28			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 13.50 me/l
Total anions 11.31 me/l

By: Shirley M. Stan

Service Performed

Amount Due

Irrigation analysis

\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 79-145

Amount Enclosed \$

Signed

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT Dan Merkwan, Geddes, SDSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW ANNOT BE IRRIGATED:

15E - Letts-Ethan	Because of excessive slope
81C - Eakin-Ethan complex	Because of excessive slope

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 4-6 times during the irrigation season.
 2. Each uninterrupted application (~~one application of water per week~~) should be of at least 2 - 3 inches of water.
 3. (☒) Yes () No Surface drainage suggested on any area that tends to pond water/
 4. () Yes () No Subsurface drainage suggested on _____
 5. (☒) Deep tillage (for the purpose of aiding movement of water through dense subsoil.
- COMMENTS: Occasional use will allow applied irrigation water and/or rainfall to
not directly to the deeper root zone.
6. () Heavy fall application of irrigation water.
 7. Type of irrigation system recommended for use on this application See below.

GENERAL COMMENTS:

Gravity on A slopes; Towline on B slopes, on irregular shaped fields.

83 Acres in NW $\frac{1}{4}$ and 37 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ -24-97-67 have Highmore, Highmore-Eakin, and Eakin-Ethan soils that are compatible with your water quality.

Because the above named soils are fine-textured, they have a tendency to seal over and slow the water intake rate with successive irrigations,

Copy to applicant
 Copy to water rights
 Copy on file

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

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

G. Water Storage Dams.

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

DAM: HEIGHT - 28 ft

SURFACE ACRES 25 ac.

ACRE FEET 200000 ft.

Dam will be used primarily for spring water and receiving system for irrigation water. The point of intake from stream will be at foot of dam. Use of dam will reduce pumping costs for water.

Dan M. M. M.
Signature of Applicant

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

NAME Dan Markwan
ADDRESS Box 1, Geddes, SD 57342
COUNTY Charles Mix

LEGAL DESCRIPTION

1. Dan
WELL LOCATION SE 1/4 NW 1/4 24-97-67 (33 ac.) (37 ac.)
2. LOCATION OF AREA TO BE IRRIGATED NW 1/4 & NE 1/4 SW 1/4 24-97-67

TYPE OF IRRIGATION

3. GRAVITY Y & TOWLINE X CENTER PIVOT _____ GUN _____
4. CROPS TO BE IRRIGATED Corn and Alfalfa

WATER QUALITY

5. SAMPLE NUMBER _____
6. SALINITY (EC X 10⁶) _____
7. SODIUM (SAR) _____
8. RESIDUAL SODIUM CARBOXYLATE (meq/L) _____

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and; the soils information has been acquired from Charles Mix Conservation District, County Extension Office or Soil Conservation Service.
and;
that the legal description for the location of the well and land to be irrigated is true and correct.

APPLICANT'S SIGNATURE

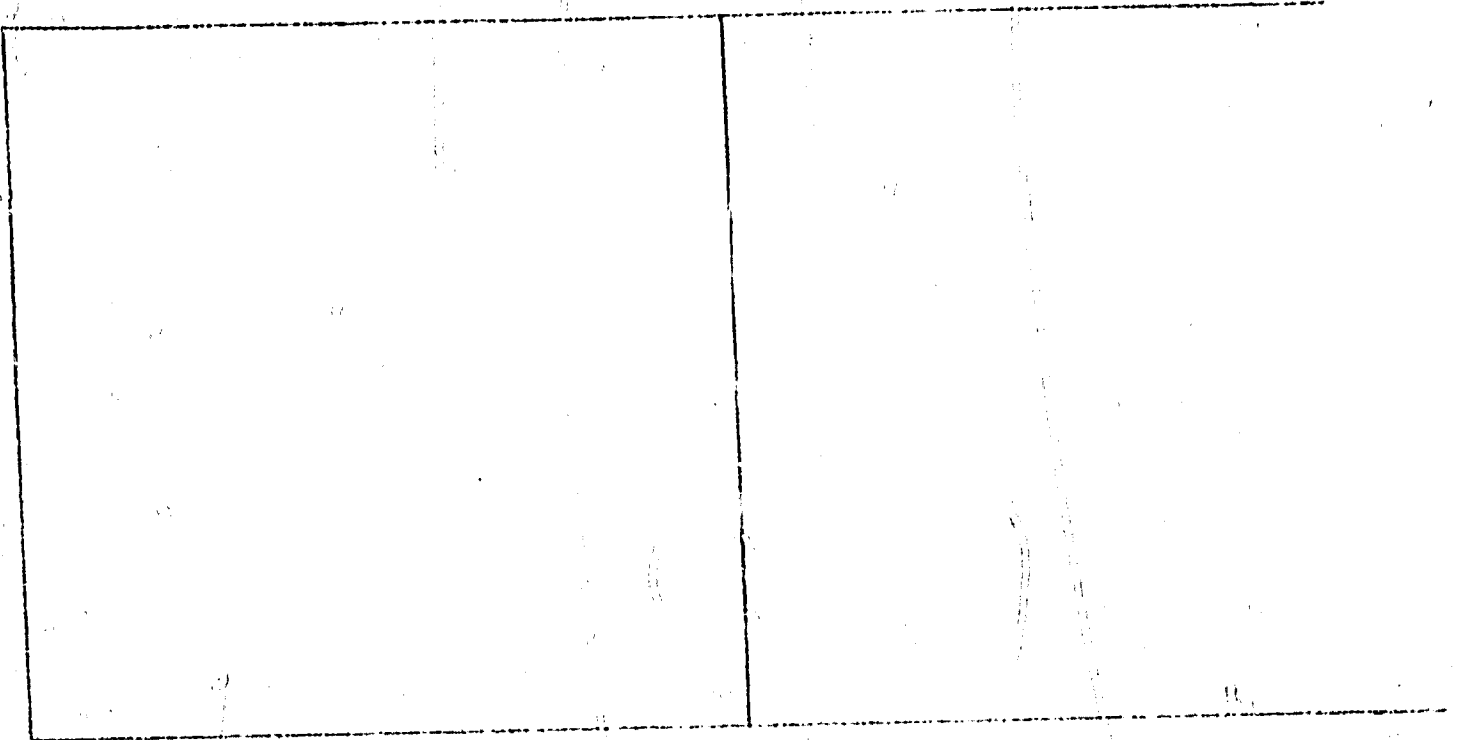
SUBSCRIBED AND SWORN BEFORE ME THIS
____ DAY OF _____ 19 ____.

(TITLE OR SEAL)

APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

MAP



NARRATIVE

Dam will be used primarily for spring runoff or recovery system for irrigation waters. A permit exists to draw water from the Missouri River at present time. Use of dam will be for irrigation.

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.

I, Harold J. Jaeger hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Charles Mix County News

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City of Geddes S.D.

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

May 10 and May 17, 1979

Harold J. Jaeger
(Signature)

Owner and Publisher
(Title)

May 17, 1979
(Date Signed)



NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
May 4, 1979
Notice is hereby given Dan
Merkwan, whose post office
address is Geddes, South
Dakota, has made an applica-
tion in accordance with the
provisions of SDCL 46-1-1 thru
46-1-9, 46-1-14, 46-2-9 thru 46-2-
11, 46-2-13, 46-5-17 thru 46-5-8,
46-5-10 thru 46-5-22, 46-5-41 and
Commission Rules ARSD
52:01.01 thru 52:01.13
for a permit to appropriate for
beneficial use 1.63 cubic feet of
water per second of time from
the dry draw and Missouri
River through the Merkwan
Storage Permit, the point of
diversion of which is to be
located in the SE 1/4 NW 1/4 of
Section 24, Twp 197 N, Range
67 W. Said water to be used for
the purpose of providing irriga-
tion on portions of the follow-
ing described land: NW 1/4 and
NE 1/4 SW 1/4, Section 24, T97N
R67W.
This Application No. 4407-3
will be considered by the
Water Rights Commission at
Howard Johnson's Motel 2211
Lacrosse, Rapid City, SD 57701
upon the 24th day of May 1979
at 10 A.M. The Commission is
authorized to make a deter-
mination on this application at
the hearing. All interested per-
sons may appear and be heard.
Any person who may be af-
fected by a Commission de-
cision who desires to present
evidence or cross examine wit-
nesses according to SDCL 1-26
may notify the Commission in
writing prior to the hearing or
orally at the hearing.
This hearing is an adversary
proceeding. Any person 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 at the hear-
ing. Decisions of the Commis-
sion may be appealed to the
Courts as provided by law.
WATER RIGHTS
COMMISSION
BETTY WESTLUND
Water Rights
Specialist
Pub. May 10, 17, 1979

No. 4407-3

Publish first publication, on or before May 10, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 4, 1979

Notice is hereby given Dan Merkwan whose post office

address is Geddes, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.63 cubic feet of

water per second of time from the dry draw and Missouri River through the Merkwan Storage Permit, the point(x) of diversion of which is (xxx) to be located in the SE 1/4 NW 1/4

of Section 24, Twp. 97 N, Range 67 W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4 and NE 1/4 SW 1/4, Section 24 - T97N - R67W

This Application No. 4407-3 will be considered by the Water Rights Commission at Howard Johnson's Motel upon the 24th day of May 1979
2211 Lacrosse, Rapid City, SD 57701

at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Court as provided by law.

WATER RIGHTS COMMISSION

GETTY WESTLUND

Water Rights Specialist

cc: **Dan Merkwan**
Geddes, SD 57342

RECEIPT

WATER RIGHTS COMMISSION

No 4 6837

State of South Dakota

March 6, 1979

PIERRE, _____

Dan Merkwan, Geddes SD 57442

RECEIVED OF _____

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. <u>4407-3</u> (examination, processing, recording and filing) _____	225	00
Fee for Inspecting Construction, and Issuing Cert. of Construction No. _____		
Fee for Inspecting Beneficial Use, and Issuing Water License No. _____		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filling _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	225	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH kfw



4407-3

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

February 16, 1994

DAN MERKMAN
RR #1 BOX 95A
GEDDES SD 57342

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 2560-3 & 4407-3. The request for the questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2560-3 & 4407-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

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

1/407-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 1994

Dan Merkwan
RR #1 Box 95A
Geddes, SD 57342

RE: Water Permit Nos. 2560-3 & 4407-3, Dan Merkwan
Water Permit Nos. 684-3, 1415-3B & 1415-3C, Maynard & Elinor Bridges

Dear Mr. Merkwan:

I am writing to acknowledge receipt of your 1993 Irrigation questionnaires and chemical reporting form for 2560-3. You may disregard the February 16, 1994, **Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire and the Notice of Failure to Report Chemical Use under Water Permit No. 2560-3.**

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

If you have any questions, please contact me.

Sincerely,

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

Maynard & Elinor Bridges, RR #1 box 108, Geddes, SD 57342

Permit No. 4407-3
Missouri River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by Dan Merrkwan of Geddes, SD 57342 holder of Permit Nos. 2560-3 & 4407-3, bearing priorities of February 23, 1976 & March 3, 1979 (respectively) authorizing the diversion of 10.85 & 1.63 (respectively) cu. ft. per second from the Missouri River & a dry draw dam and storing 100 ac-ft of water for Irrigation purposes, in Charles Mix County.

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

A. Works used to divert the water:

Motors: (2 at the river)

General Electric
Frame No. 404 TCZ
100 HP

Century
Model No. 404 TY
100 HP

Pumps:

Cornell
Model No. 5H100-4
1200 GPM

Berkeley
Model No. B4FY^oBH
1200 GPM

(2 at the dam in Section 24)

Chrysler Industrial
V-8 Propane
413 Cu. In.

Chrysler Industrial
V-8 Propane
413 Cu. In.

Berkeley
Model No. B4JQBMCW
800 GPM

Berkeley
B4JRMBM
800 GPM

BOOSTER PUMPS:

(at the center pivot in the NW $\frac{1}{4}$ Section 23)

Motors:

Century
Frame No. 254TCZ
15 HP

Pumps:

Berkeley
Model No. B5EPBH
Serial No. 8259574
700 GPM

(at the holding pond in Section 24 SW corner)

General Electric
75 HP

Berkeley
1400 GPM

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

DISTRIBUTION LINES:

- | | | |
|--------------------|--------------------------|-----------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>3600</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>10</u> inches | 3) Length <u>7600</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>12</u> inches | 3) Length <u>11220</u> feet |
| 1) Type <u>ALU</u> | 2) Size <u>8</u> inches | 3) Length <u>5000</u> feet |
| 1) Type <u>ALU</u> | 2) Size <u>10</u> inches | 3) Length <u>3000</u> feet |

C. Works used to apply water to beneficial use:

SYSTEM TYPES:

Center Pivot: (NW¼ Section 23)

- 1) Make Zimmatic
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers 188 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 700 GPM

Center Pivot: (NE¼ Section 23)

- 1) Make Zimmatic
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers 188 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 600 GPM

** This center pivot is towed between the NE¼ & SE¼ of Section 23.

Center Pivot: (NE¼ NW¼ Section 24)

- 1) Make Valley
- 2) Overall length 600 feet
- 3) Number of towers 5
- 4) Distance between towers 120 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 600 GPM

Flood Irrigation:

- 1) Type of pipe Aluminum
- 2) Diameter 8 & 10 inches
- 3) Spacing between gates 32 inches

** Note: The storage dam in the SW corner of section 24 catches run-off from flood irrigation and is also filled from the river pumps. This water is then used to run the pivots in Section 23. All systems may be operated at once.

The system is in the following condition good. The diversion points are located: River: 2500 feet W

and 600 feet N from the center of Section 1 T96N-R67W (SW $\frac{1}{4}$ NW $\frac{1}{4}$). Dam: #1) 990 feet N and 330 feet W; #2) 1050 feet N and 925 feet W both from the center of Section 24 T97N-R67W (SE $\frac{1}{4}$ NW $\frac{1}{4}$). The works are capable of diverting and conveying to the place of use 12.00 cu. ft. per second of water and storing 100 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T97N-R67W

SECTION 23

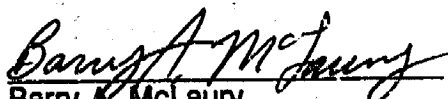
NW $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	8 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	22 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	31 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	15 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	16 acres

SECTION 24

comprising a total of 512 acres of land and the license should be issued for 7.31 cfs and 100 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date: June 8, 1993


 Barry A. McLaury
 Natural Resources Analyst
 DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 4407-3

DATE: June 8, 1993

Other permit(s) associated with the project: 2560-3

DIVERSION POINT LEGAL LOCATION: River: 2500 feet W and 600 feet N from the center of Section 1 T96N-R67W (SW $\frac{1}{4}$ NW $\frac{1}{4}$). Dam: #1) 990 feet N and 330 feet W; #2) 1050 feet N and 925 feet W both from the center of Section 24 T97N-R67W (SE $\frac{1}{4}$ NW $\frac{1}{4}$).

Motors: (2 at the river)

General Electric
Frame No. 404 TCZ
100 HP

Century
Model No. 404 TY
100 HP

(2 at the dam in Section 24)

Chrysler Industrial
V-8 Propane
413 Cu. In.

Chrysler Industrial
V-8 Propane
413 Cu. In.

Pumps:

Cornell
Model No. 5H100-4
1200 GPM

Berkeley
Model No. B4FYPBH
1200 GPM

Berkeley
Model No. B4JQBMCW
800 GPM

Berkeley
B4JRMBM
800 GPM

BOOSTER PUMPS:

(at the center pivot in the NW $\frac{1}{4}$ Section 23)

Motors:

Century
Frame No. 254TCZ
15 HP

Pumps:

Berkeley
Model No. B5EPBH
Serial No. 8259574
700 GPM

(at the holding pond in Section 24 SW corner)

General Electric
75 HP

Berkeley
1400 GPM

DISTRIBUTION LINES:

- | | | |
|--------------------|--------------------------|-----------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>3600</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>10</u> inches | 3) Length <u>7600</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>12</u> inches | 3) Length <u>11220</u> feet |
| 1) Type <u>ALU</u> | 2) Size <u>8</u> inches | 3) Length <u>5000</u> feet |
| 1) Type <u>ALU</u> | 2) Size <u>10</u> inches | 3) Length <u>3000</u> feet |

SYSTEM TYPES:

Center Pivot: (NW¼ Section 23)

- 1) Make Zimmatic
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers 188 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 700 GPM

Center Pivot: (NE¼ Section 23)

- 1) Make Zimmatic
 - 2) Overall length 1320 feet
 - 3) Number of towers 7
 - 4) Distance between towers 188 feet
 - 5) End gun Y
 - 6) High or low pressure High
 - 7) Capacity 800 GPM
- ** This center pivot is towed between the NE¼ & SE¼ of Section 23.

Center Pivot: (NE¼ NW¼ Section 24)

- 1) Make Valley
- 2) Overall length 600 feet
- 3) Number of towers 5
- 4) Distance between towers 120 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 600 GPM

Flood Irrigation:

- 1) Type of pipe Aluminum
- 2) Diameter 8 & 10 inches
- 3) Spacing of gates 32 inches

DAM INFORMATION: (SE¼ NW¼ Section 24)

- 1) Height to crest 35 feet
- 2) Height to primary spillway 27 feet
- 3) Height to secondary spillway 29 ft
- 4) Crest width 25 feet
- 5) Crest length 250 feet
- 6) Spillway length 250 feet
- 7) Spillway width 100 feet
- 8) Approx. storage 100 ac-ft
- 9) Approx. storage to crest 120 ac-ft
- 10) Date constructed: 1981
- 11) Outlet tubes:
 - a) diameter 36 inches
 - b) type culvert
 - c) valved Y
 - d) valve type drop Inlet
- 12) Name of Contractor
VanderPol Construction

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain N
- 5) Discharge is 20' from source N
- 6) Interlock type Electrical

- 7) Injection pump type Piston pump
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y
- 11) Comments : An open water discharge into the holding pond in Section 24 will not allow chemical to run back in the river. Therefore, a low pressure drain is not needed at the injection point.

PERMIT QUALIFICATIONS AND REGULATIONS:

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

**** Note:** The storage dam in the SW corner of section 24 catches run-off from flood irrigation and is also filled from the river pumps. This water is then used to run the pivots in Section 23. All systems may be operated at once.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 8, 1994

Permit No. 4407-3

Dan Merkwan
RR 1, Box 95A
Geddes, SD 57342

Dear Mr. Merkwan:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2560-3 and 4407-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 2560-3 will be incorporated into 4407-3.

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

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

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

Sincerely,

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

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

RECEIPT

414270

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 13, 1994

RECEIVED OF Dan Merkwan, 3 DM Livestock & Grain, Inc., Geddes, SD 57342

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4407-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Watel
Chief Engineer

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4407-3**

(1) Dan Merkwan, c.f. Box 50, Geddes, SD 57342 made Application No. 4407-3, March 6, 1979 for a water permit to appropriate 1.63 cubic feet of water per second (cfs) from the Missouri River and a dry draw storage dam (200 acre feet storage capacity), Charles Mix County, South Dakota for irrigation purposes. Permit No. 4407-3, with a priority date of March 6, 1979 was approved May 24, 1979 and issued to the applicant for diversion of water with construction of the system and beneficial use of the water completed.

The purpose of Water Permit No. 4407-3 was to add the dry draw storage dam to the current irrigation system authorized by Water Permit No. 2560-3. The applicable portions of Water Permit No. 2560-3 has been incorporated into this Water License No. 4407-3. A priority date of February 23, 1976 (established under No. 2560-3) is retained for irrigation from the Missouri River. A priority date of March 6, 1979 (established under No. 4407-3) is retained for irrigation from the dry draw storage dam.

(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 7.31 cubic feet of water per second for beneficial use. The system is designed so that water may be pumped from the Missouri River to a holding pond to irrigate land in Section 23 or applied directly for flood irrigation on the W 1/2 Section 24. Portions of the land in Section 24 are irrigated from a dry draw dam (storage capacity of 100 acre feet). The system can also be utilized with diversion from the Missouri River, holding pond and the storage dam pumped simultaneously. The permit holder is capable of diverting at a maximum rate of 5.13 cfs from the river, 3.56 cfs from the 100 acre feet storage dam, and 3.11 cfs from the holding pond for irrigation purposes. At no time may the combined diversion rate exceed the statutory limit of one cubic foot per second for each 70 acres irrigated. The statutory limit authorized for irrigation of the 512 acres developed is 7.31 cfs. The location of the diversion points are as follows: Missouri River - 2500 feet W and 600 feet N of the center of Section 1, T97N, R67W (SW 1/4 NW 1/4); holding pond - SW 1/4 SW 1/4 Section 24, T97N, R67W; two points on the dry draw storage dam - 990 feet N and 330 feet W & 1050 feet N and 925 feet W of the center of Section 24, T97N, R67W (SE 1/4 NW 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: located all in T97N, R67W

Section 23		Section 24	
NW 1/4 NW 1/4	34 acres	NW 1/4 NW 1/4	8 acres
NE 1/4 NW 1/4	34 acres	NE 1/4 NW 1/4	22 acres
SW 1/4 NW 1/4	34 acres	SW 1/4 NW 1/4	31 acres
SE 1/4 NW 1/4	34 acres	SE 1/4 NW 1/4	16 acres
NW 1/4 NE 1/4	34 acres	NW 1/4 SW 1/4	40 acres
NE 1/4 NE 1/4	34 acres	NE 1/4 SW 1/4	40 acres
SW 1/4 NE 1/4	34 acres	SW 1/4 SW 1/4	33 acres
		SE 1/4 SW 1/4	16 acres
NE 1/4 SE 1/4	34 acres	TOTAL ACRES IRRIGATED - 512	
SE 1/4 SE 1/4	34 acres		

Page 2

Water License No. 4407-3

(4) Pursuant to South Dakota Water Law 46-5-30.1, Dan Merkwan of Box 50, Geddes, SD 57342 the holder and/or owner of Incorporated Water Permit No. 4407-3 is issued a license to appropriate water, the right to use 7.31 cubic feet of water per second from the Missouri River and a 100 acre feet storage dam with priority dates of February 23, 1976 (from the river) and March 6, 1979 (from the dam) from the locations specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 4407-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

SEP 6 1995

date



SEP 6 1995

44107-3

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

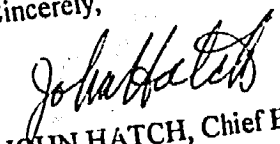
Dan Merkwan
Box 50
Geddes, SD 57342

Dear Mr. Merkwan:

Enclosed is Water License No. 4407-3 and Receipt No. 414270 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 4407-3 is the final document which completes the process of obtaining a water right.

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

Sincerely,


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

gm
enclosures



4407-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: DAN MERKWAN, BOX 50, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 684-3, 1415-3B, 1415-3C & 4407-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 684-3, 1415-3B, 1415-3C & 4407-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4407-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1999

NOTICE

TO: DAN MERKWAN, BOX 50, GEDDES SD 57342

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

RE: Requirement to Report 1998 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 4407-3 was dated October 16, 1998. Our records indicate that we have not received your 1998 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1998 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:45 am, March 3, 1999, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 4407-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to March 3, 1999, contact the Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to March 1, 1999 you will no longer be in violation and your name will be deleted from the Board agenda.



4407-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1999

684-3
1415-3B
1415-3C
4407-3

Dan Merkwan
Box 50
Geddes, SD 57342

Dear Mr. Merkwan:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires and chemical reporting form. You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Permit No. 684-3, 1415-3B, 1415-3C and 4407-3.

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

If you have any questions, please contact me.

Sincerely,

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



4407-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: DAN MERKWAN, BOX 50, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 684-3, 1415-3B, 1415-3C & 4407-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 684-3, 1415-3B, 1415-3C & 4407-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4407-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 1, 2000

Dan Merkwan
Box 50
Geddes, SD 57342

RE: Water Permit/Right Nos. 684-3, 1415-3B, 1415-3C and 4407-3

Dear Mr. Merkwan:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit/Right Nos. 684-3, 1415-3B, 1415-3C and 4407-3.

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

If you have any questions, please contact me.

Sincerely,

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



4407-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: DAN MERKWAN, BOX 50, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 684-3, 1415-3B, 1415-3C & 4407-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 5, 2003, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 684-3, 1415-3B, 1415-3C & 4407-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2003, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4407-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2003

684-3
1415-3B
1415-3C
4407-3

Dan Merkwan
Box 50
Geddes SD 57342

Dear Mr. Merkwan:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Permit and Right Nos. 684-3, 1415-3B, 1415-3C and 4407-3.

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

If you have any questions, please contact me.

Sincerely,

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



4407-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: DAN MERKWAN, BOX 50, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 684-3, 1415-3B, 1415-3C & 4407-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 3, 2004, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 684-3, 1415-3B, 1415-3C & 4407-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4407-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2004

684-3
1415-3B
1415-3C
4407-3

Dan Merkwan
Box 50
Geddes D 57342

Dear Mr. Merkwan:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit/Right Nos. 684-3, 1415-3B, 1415-3C and 4407-3.

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

If you have any questions, please contact me.

Sincerely,

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



4407-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: DAN MERKWAN, BOX 50, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit Nos. 684-3, 1415-3B, 1415-3C & 4407-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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

1. Amend Permit Nos. 684-3, 1415-3B, 1415-3C & 4407-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaires are received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, please contact Genny McMath at (605) 773-3352.

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



4407-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 15, 2005

684-3
1415-3B
1415-3C
4407-3

Dan Merkwan
Box 50
Geddes SD 57342

Dear Mr. Merkwan:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Permit or Right Nos. 684-3, 1415-3B, 1415-3C and 4407-3.

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

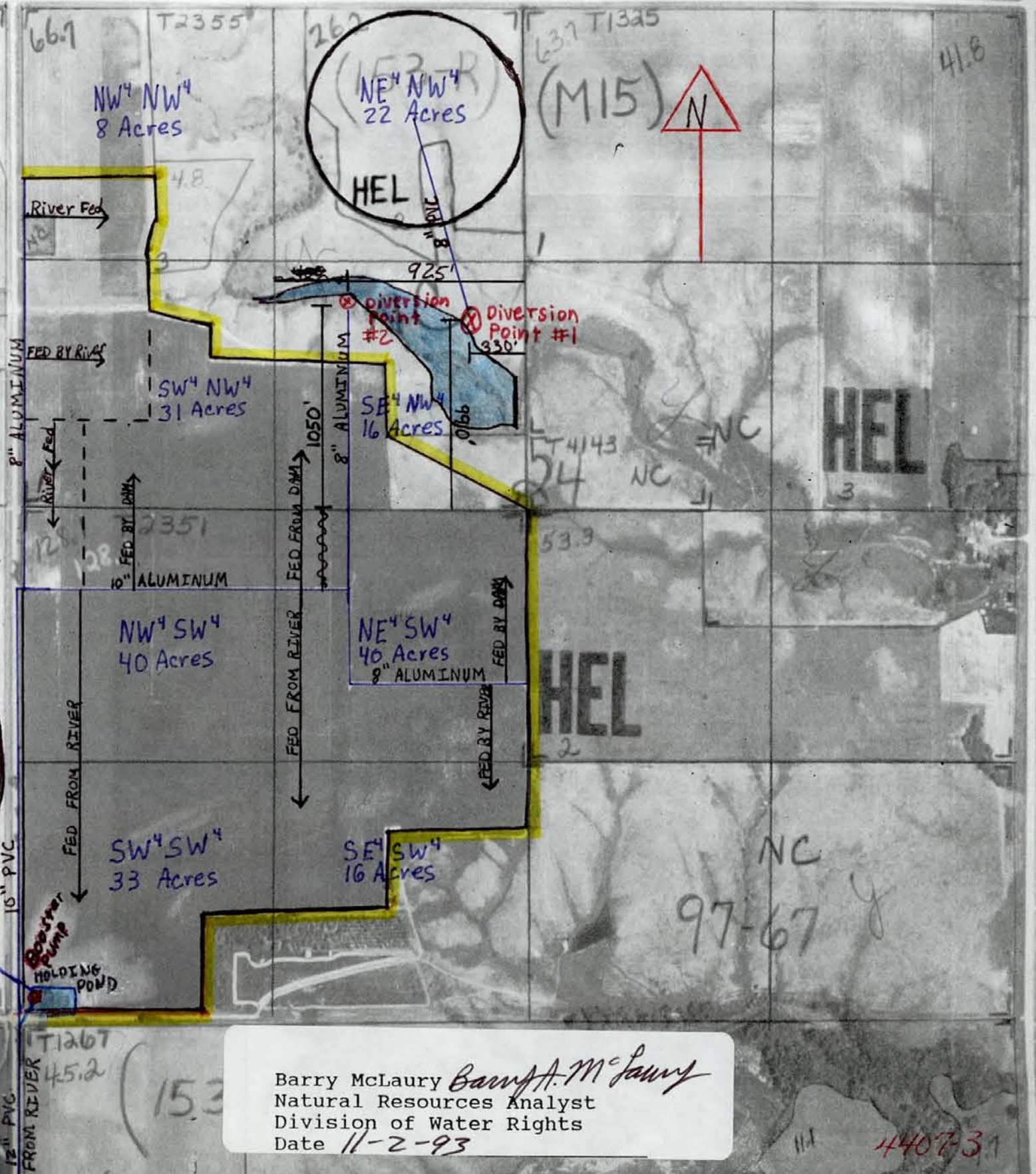
If you have any questions, please contact me.

Sincerely,

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

2560-3
4467-3

A circular stamp from the Division of Water Rights, dated JUL 1993. The stamp features a central star and the text "DIVISION OF WATER RIGHTS" and "Monte, SD". Handwritten file numbers "4401-5" and "2560-3" are visible in the upper right corner. The stamp also includes a circular border with numbers 1 through 25.



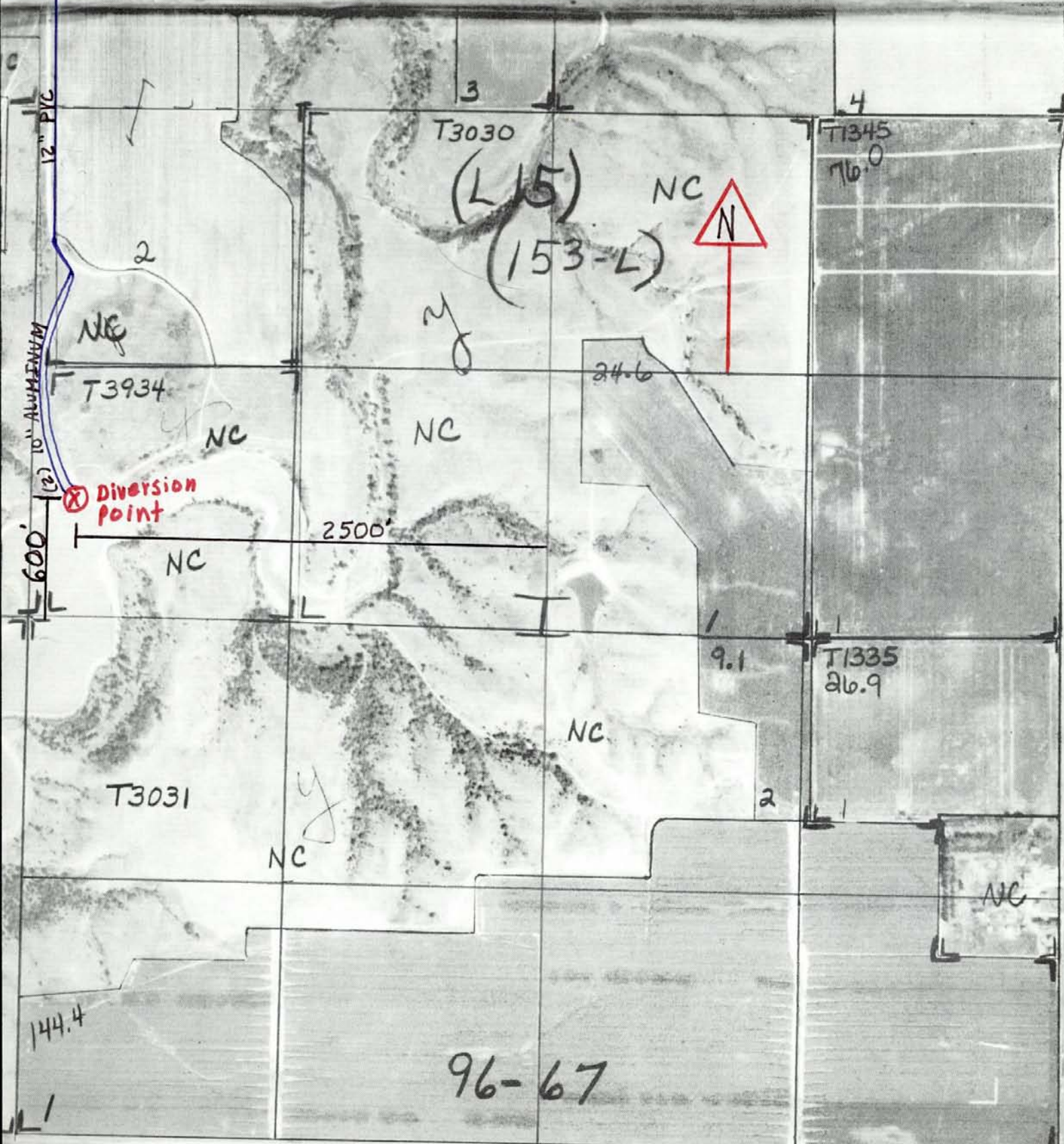
Barry McLaury *Barry H. McLaury*
Natural Resources Analyst
Division of Water Rights
Date *11-2-93*

4407-3

** Pipe runs in the East road
ditch, 2 Miles North.

2560-3
4407-3

NOT TO SCALE



Barry McLaury *Barry A. McLaury*
Natural Resources Analyst
Division of Water Rights
Date 11-2-93

4407-3

11-58

1976

4407-3



97-67

Irrigation Plan Map
Lyle M. Johnson

(2-9)

~~MAP NO. 3588~~

APPL. 4407-3



4407-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: DAN MERKWAN, BOX 50, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire has not been submitted for Permit No(s) 684-3, 1415-3B, 1415-3C & 4407-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:30 am, March 7, 2007, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 684-3, 1415-3B, 1415-3C & 4407-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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

4407-3

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Track & Confirm

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0799 6750
Status: **Delivered**

Your item was delivered at 8:40 AM on January 29, 2007 in GEDDES, SD 57342. The item was signed for by K PORTER.

[Additional Details >](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

Notification Options

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United States Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 6750

Postmaster

(Please Print)

Walver of Signature ☐ YES ☐ NO

DAN MERKWAN
BOX 50
GEDDES SD 57342

Postmark
Here

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

CHECK ONE (POSTAL USE ONLY)

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

PS Form 150, May 2002

(SEE REVERSE)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2007

Dan Merkwan
Box 50
Geddes SD 57342

Dear Mr. Merkwan:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 684-3, 1415-3B, 1415-3C and 4407-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

On the irrigation questionnaire you completed for Water Right No. 4407-3, you indicated the additional acres being irrigated were in Section 13. I do not find a permit for land in Section 13. Water Right No. 4407-3 covers land in Section 23 and 24, T97N, R67W. Is this land that you operate for someone else?

I also found that we have not been sending you an irrigation questionnaire for Water Right No. 5808-3 listed in your name. A copy of the water right is enclosed for your review. I have included a questionnaire for that land. Please review the water right and complete the questionnaire with any information you have for the crop year 2006.

Enclosed is a postage paid envelope for your use in returning the irrigation questionnaire for Water Right No. 5808-3. If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2008

NOTICE

TO: DAN MERKWAN, BOX 50, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 684-3, 1415-3B, 1415-3C & 4407-3 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) 5808-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5808-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 684-3, 1415-3B, 1415-3C & 4407-3 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 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2008

Dan Merkwan
Box 50
Geddes SD 57342

RE: Water Permit or Right Nos. 684-3, 1415-3B, 1415-3C, 4407-3 & 5808-3

Dear Mr. Merkwan:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Permit or Right Nos. 684-3, 1415-3B, 1415-3C, 4407-3 & 5808-3.

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

If you have any questions, please contact me.

Sincerely,

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



4407-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: DAN MERKWAN, BOX 50, GEDDES, SD 57342

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) 684-3, 1415-3B, 1415-3C & 4407-3 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) 5808-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5808-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 684-3, 1415-3B, 1415-3C & 4407-3 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.

4407-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2010

Dan Merkwan
Box 50
Geddes SD 57342

RE: 2009 Irrigation Questionnaires for Water Right Nos. 684-3, 1415-3B, 1415-3C, 4407-3 and 5808-3

Dear Mr. Merkwan:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 684-3, 1415-3B, 1415-3C, 4407-3 and 5808-3.

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

If you have any questions, please contact me.

Sincerely,

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

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



4407-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: DAN MERKWAN, BOX 50, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaires

Our records indicate that the 2013 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 4407-3 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) 5808-3 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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) 5808-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4407-3 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 3, 2014**, 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.

4407-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 2014

4407-3
5808-3

Dan Merkwan
Box 50
Geddes SD 57342

Dear Mr. Merkwan:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right Nos. 4407-3 and 5808-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

With reference to the additional land you wrote in on the form that is being irrigated, I have reviewed the files and was unable to find a water permit on file authorizing irrigation of that land. Enclosed is a set of application forms for your use in making an application for the additional land.

If you need assistance in completing the water permit applications forms, please contact Eric Gronlund in our program at (605) 773-3352.

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

4407-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: "Susan"

DATE: August 28, 2023

COMMENTS:

Susan called the office to report an irrigator who's end gun was spraying onto the road. The center pivot is located on the S side of 288th St, just off the intersection with 373th Ave. The irrigation system corresponds with No. 4407-3 belonging to Dan Merkwon and operated by Chad Svatos. Rachel Rodriguez (staff) is going to draft correspondence.

A handwritten signature in cursive script that reads "Amanda Dewell".

Amanda Dewell
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

4407-3

August 29, 2023

Dan Merkwan
PO Box 50
Geddes SD 57342

Dear Mr. Merkwan:

The irrigation season is winding down. However, the Department of Agriculture and Natural Resources (DANR) is still fielding inquiries regarding end gun overspray on to roads. This is a reminder that a water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right.

DANR received an inquiry alleging the irrigation system located in the NE 1/4 Section 23-T97N-R67W had irrigation water from the end gun hitting 288th Street. The water right for this system is held in your name under Water Right No. 4407-3.

Please take steps to ensure end gun stops are functioning properly so there is not direct overspray on to the road. If you don't believe your irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at ron.duvall@state.sd.us

Thank you for your cooperation,

Ron Duvall
Water Rights Program, DANR

cc: Chad & Cody Svatos



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 14, 2025

4407-3

Derrick Scott
205 Minnesota Ave
Geddes SD 57342

Dear Mr. Scott:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we received word from one of the irrigators, Dan Merkwan, that a property he'd previously owned and irrigated had been sold to you and Jason Schuman. The property would be a parcel located in portions of the NW ¼, NE ¼, E ½ SE ¼ Section 23 & W ½ Section 24; all in T97N-R67W, Charles Mix County. This property has a corresponding water right (Water Right No. 4407-3) authorizing its irrigation.

Whether you wish to continue irrigation or abandon the practice, I would ask that you contact me via email or telephone (605) 910-5187 to discuss the status of this property.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 3, 2026

4407-3

Derrick Scott
205 Minnesota Ave
Geddes, SD 57342

Dear Mr. Scott,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

Shannon Konst

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us

4407-3



**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: DERRICK SCOTT, 205 MINNESOTA AVE, GEDDES, SD 57342
FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s). The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 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) 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 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 questionnaire(s) 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: HNUQAH**

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.