

Water Right No. 4521-3

1. Considered MAY 22 19 80
2. Name of Applicant WILLIAM & TOM MAHER and HARVEY BOHL
3. Post Office Address 207 E. MISSOURI - PIERRE, S.D.
4. Amount of Water Claimed 4.0
5. Source of Water Supply TWO WELLS 125' DEEP
6. Water to be used for IRR
7. Acres to be Irrigated 320 maximum acre feet
8. Water to be diverted and used in HUGHES County about 8N. 1 miles WEST of PIERRE
9. PROOF OF PUBLICATION Received (127) 5-20-80
Not Received _____
APPLICATION Approved 5/22/80
Subject to WI
Not Approved _____
Action deferred _____

Priority

4/17/80

Date Received 4-17-80 Application Complete yes ☒ no _____ FEE 325⁰⁰

Remarks _____

WATER
QUALITY

Date information and/or
fee or corrected Application received _____
Period of Annual use April - October

Received yes 4/8/80 no _____ APPROVED (CONDITIONAL) (Circle one)

WI-1 Description same as application yes () no _____ Remarks _____

Disapproved _____

Returned _____

Diversion Point _____

APPROX CENTERS

NE 4 & SE 4 12-112-80

Lands to be irrigated _____

E 1/2 12-112-80

			x		
			12		
			x		

WELL
LOG

Remarks _____

Driller Dakota Boring Licensed yes () no _____

Depth 125' DEEP (TWO WELLS)

Water Right No. _____

MAP

Map No. 3743-3 Map located in Water Right X Map file _____

Type of Map Aerial & drain Prepared by SCS-MH Johnson

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 5-22-80.

Betty Martland
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

No. 4521-3Map No. 3743-3 Water Division No. 3 MISSOURI RIVER District

Above for Office Use

10130105

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant William Maher, Tom Maher & Harvey Phone No. 224-0491Post Office Address 207 E. Missouri, Pierre, Buhl SD State 57501 (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____ Contract3. Name of diversion work _____ Well and center pivot irrigation system4. Amount of water claimed (cubic feet per second) * 4.05. Source of water supply _____ Underground well6. Location of point of diversion See attached map2 WELLS - APPROX. CENTERS OF THE NE 1/4 & SE 1/4 - T12N-R80WCounty Hughes7. Annual period or periods during which water is to be used Yearly, irrigation season APRIL - OCTOBER8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) _____ Irrigation9. For irrigation use, E 1/2, Sec. 12, T 112, Total number of acres to be irrigated _____ 320

R 80, 5th P.M., Hughes County

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 SE 1/4, 12, 112, 80	40	NE 1/4 NE 1/4, 12, 112, 80	40
NE 1/4 SE 1/4, 12, 112, 80	40	NW 1/4 NE 1/4, 12, 112, 80	40
SW 1/4 SE 1/4, 12, 112, 80	40	SW 1/4 NE 1/4, 12, 112, 80	40
SE 1/4 SE 1/4, 12, 112, 80	40	SE 1/4 NE 1/4, 12, 112, 80	40

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 yr. on SE 1/4 2 yrs. on NE 1/4 Additional time required to complete application of water to the proposed beneficial use _____ years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water _____ Capital Journal

12. Principal Features of the Proposed Water Supply System.

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

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

Pipe to center pivot, if necessary

C. Works proposed to apply water to beneficial use.

Center pivot irrigation systemEstimated Total Cost \$ 37,000.00

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) ss.I, Tom Maher 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

Tom MaherSubscribed and sworn to before me this 17th day of April, 1980Margaret L. Mahler

Notary Public (or other qualified officer)

MARGARET L. MAHER, Notary Public
My Commission Expires
November 30, 1986

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4521-3

WILLIAM MAHER, TOM MAHER & HARVEY BURL, 207 E. 11th, PIERRE
(Applicant) (Post Office Address)
SOUTH DAKOTA 57501 With the following qualifications.
(State)

The irrigation wells approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application APRIL 17, 1980
Date of return to applicant for correction, amendments or changes required , 19
Date of receipt of corrected application , 19
Approved MAY 22, 1980, Recorded in Book 21 Page 194

WATER RIGHT PERMIT NO. 4521-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4521-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is APRIL 17, 1980
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 22, 1981
3. The whole of said work is to be completed on or before MAY 22, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 22, 1982
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 here granted shall not exceed 2.750 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for 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 22, 1982, said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 4th day of JUNE, 1980

THE WATER MANAGEMENT BOARD

By John Hatch
Chief Engineer, Water Rights

WELL DRILLERS REPORT

SOUTH DAKOTA WATER RIGHTS COMMISSION

4-78

Well Owner:
Name
Address

Well Location:

North

Mark location with an "X"

W E

1 mile

County Huachuca
1/4 Sec. 8 Twp. Rg.

Proposed Use:
☐ Domestic ☐ Municipal ☒ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:
☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:
Diameter of Hole
Depth
Casing ☐ Steel ☒ Concrete
☐ Plastic ☐ Other
If other, specify
Was casing end left open
Was a well screen installed
Describe Well Screen
Diameter Material
Slot size
Was well gravel packed
Was well grouted
Was water sample taken

Remarks:

Water Level Information:
Static water level below land surface
If flowing: closed in pressure PSI
rate of flow GPM
Controlled by:
☐ Valve ☐ Reducers ☐ Other
If other; specify

Well Test Data:
☐ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface
 ft. After Hrs. pumped GPM
 " " " " " "
 " " " " " "

Well Log:

Formation	Depth	
	From	To
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Subsoil</u>	<u>2</u>	<u>20</u>
<u>Clay</u>	<u>20</u>	<u>40</u>
<u>Blue Clay</u>	<u>40</u>	<u>60</u>
<u>Sand</u>	<u>60</u>	<u>100</u>
<u>Clay</u>	<u>100</u>	<u>120</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

(Use Back if Necessary)

Date Completed: 4-5-78

Driller:

Driller's or Firm's Name License NO.

Address

Signed By Date

4-78

Address _____
Signed By _____ Date _____

Remarks:

WELL DRILLERS REPORT

SOUTH DAKOTA WATER RIGHTS COMMISSION

4-78

Well Owner:
Name Bill Weber
Address Deer

Well Location: North

E
W

+

+

+

+

1 mile

County Hughes
 Twp. SW 1/4 Sec. 1 Rg. 24

Proposed Use:
☐ Domestic ☐ Municipal ☒ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:
☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:
 Diameter of Hole 4 1/2
 Depth 1120
 Casing ☐ Steel ☒ Concrete
☒ Plastic ☐ Other
 If other, specify _____
 Was casing end left open no
 Was a well screen installed yes
 Describe Well Screen
 Diameter 2 1/4 Material Black
 Slot size 8
 Was well gravel packed yes
 Was well grouted no
 Was water sample taken yes

Remarks:

Water Level Information:
 Static water level _____ below land surface
 If flowing: closed in pressure _____ PSI
 rate of flow _____ GPM
 Controlled by:
☐ Valve ☐ Reducers ☐ Other
 If other; specify _____

Well Test Data:
☒ Pumped Describe: _____
☐ Ballad _____
☐ Other _____
 Pumping Level Below Land Surface
 _____ ft. After _____ Hrs. pumped _____ GPM
 _____ " " _____ " " _____ " "
 _____ " " _____ " " _____ " "

Well Log:

Formation	Depth	
	From	To
Top Soil - Black	0	20
Blue Clay	20	60
Sand	60	110
Some Clay Strata		
Clay	110	1120

(Use Back if Necessary)

Date Completed: 4-11-80
 Driller: Duke P. Boring License NO. 224
 Driller's or Firm's Name
Lebanon D
 Address
Paul Weber
 Signed By _____ Date 4-12-80

WELL DRILLERS REPORT
SOUTH DAKOTA WATER RIGHTS COMMISSION

4-78

Well Owner:
Name H. H. H. H.
Address Phone

Well Location: North

Mark location with an "X"
W + + E
+ +
1 mile

County Hutchinson
1/4 NW 1/4 Sec. 8 Twp. 29 Rg. 29

Proposed Use:
☐ Domestic ☐ Municipal ☒ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:
☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:
Diameter of Hole 1 1/2
Depth 140
Casing ☐ Steel ☒ Concrete
☒ Plastic ☐ Other
If other, specify _____

Was casing end left open no
Was a well screen installed yes
Describe Well Screen
Diameter 2 Material Plastic
Slot size 40/100
Was well gravel packed yes
Was well grouted no
Was water sample taken no

Remarks:

Water Level Information:
Static water level 2 below land surface
If flowing: closed in pressure PSI
rate of low GPM
Controlled by:
☒ Valve ☐ Reducers ☐ Other
If other; specify _____

Well Test Data:
☐ Pumped _____
☐ Bailed Describe: _____
☐ Other _____
Pumping Level Below Land Surface
ft. After _____ Hrs. pumped _____ GPM
" " " " " "
" " " " " "

Formation	Depth	
	From	To
<u>100 ft. - 100 ft.</u>	<u>0</u>	<u>20</u>
<u>Wellhead</u>	<u>20</u>	<u>36</u>
<u>Blue Clay</u>	<u>36</u>	<u>40</u>
<u>Sand</u>	<u>40</u>	<u>42</u>
<u>Clay</u>	<u>42</u>	<u>140</u>

(Use Back if Necessary)

Date Completed: 4-2-80

Driller: D. K. H. H. H. License NO. 224
Driller's or Firm's Name
No. 1000
Address
Paul W. H. H.
Signed By _____ Date 4-1-80

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

D. Well Information

- (1) Drill Hole, Diameter 30', Depth 130'
- (2) Casing, Type plastic, Diameter 16", Thickness 1/2"
(wood, concrete, steel, etc.)
- (3) Screen, Type stainless steel, Diameter 16", Length 15'
- (4) Gravel Pack, Thickness 7", Length of gravel pack 130'

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 80'

Depth to bottom of water bearing material 125'

Depth to water (ground surface to water level) 85'

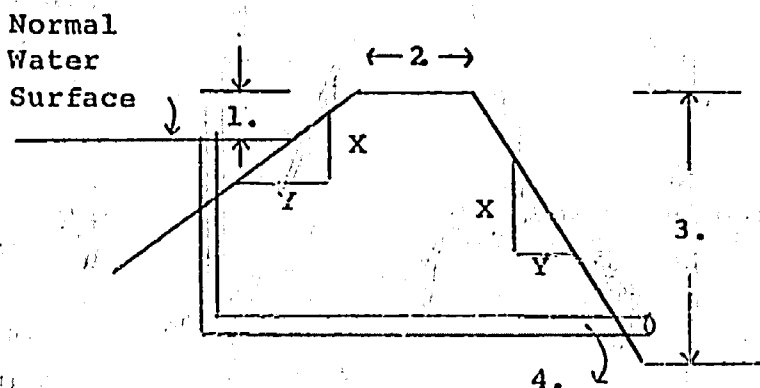
- (2) Distance to nearest existing household or livestock watering well.

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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
2. Crest width _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
Surface area of impoundment _____
- Drainage area above dam _____

Sam Maher
Signature of Applicant

CONSERVATION COMMISSION
WI#1 FORM
3/80

Office Use Only

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Bill Maher, Tom Maher OWNERS ADDRESS: 209 E Missouri
2nd Harvey Buhl Dierre, S.D. 57501
COUNTY LAND LOCATED IN: Hughes PHONE: 4-0471
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION OR DIVERSION POINT: Center of NE 1/4 and SE 1/4, 12, 112, 80
2. SURFACE WATER SOURCE: N/A
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>E 1/2, 12, 112, 80</u>	<u>320</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: Corn, bean (soy)
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: None
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 80-216 80-215
8. SALINITY (EC X 10⁶): 1175 - 1360
9. SODIUM (SAR): 1.75 - 3.10
10. ADJUSTED (SAR): 4.65 - 8.05

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 4:11 PM a.m./p.m., on 19, at the following location: by Dakota Boring by Dea Belle Maher (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or its agents thereof may obtain another water sample for the purpose of validation if the water sample analysis taken at the time of application (SDCL 46-5-6.4).

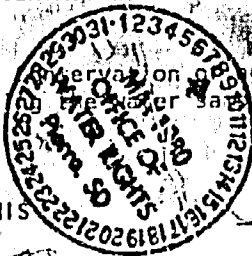
SUBSCRIBED AND SWORN BEFORE ME THIS

17 DAY OF April, 19 82

Alvin S. Stettin
(NOTARY PUBLIC)

Program Director
IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.



Tom Maher
APPLICANT'S SIGNATURE

Keith L. Harner
Director, Division of Conservation

APPROVED

DISAPPROVED

X CONDITIONALLY APPROVED

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT Bill Maher, PierreSOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED: unless kept in alfalfa or permanent vegetation to reduce the erosion potential.

J6D - Javn Butts - 9-15% slope

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 2-4 times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 2-5 inches of water. (5 inches for leaching purposes can be done after deep tillage.
3. ☒ Yes ☐ No Surface drainage suggested on onita swales and sluggish drainageways.
4. ☐ Yes ☐ No Subsurface drainage suggested on _____
5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils.
COMMENTS: Occasional use on soils: HkA, OnA, HkD, and GIC
6. ☐ Heavy fall application of irrigation water. Occasional use after deep tillage.
7. Type of irrigation system recommended for use on this application center pivot.

GENERAL COMMENTS:

On the fine textured soils, you may have some problems with water ponding or runoff.

Cropping patterns, residue management, and deep tillage will help move the moisture to the lower root zone. A system with the slowest possible application rate will also help.

Spring Creek should be kept in permanent vegetation to accommodate watershed runoff.

Copy to applicant
Copy to Water Rights
Copy on file

Publish first publication, on or before No. 4521-3
May 9, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501
May 8, 1980

Notice is hereby given that William & Tom Maher and Harvey Buhl whose post office address is Pierre, 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; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 4.0 cubic feet of water per second of time from groundwater (two wells) through the well & center pivot/irrigation system, the point(s) of diversion of which ~~xx~~(are) to be located in the approximate center of the NE 1/4 and approximate center of the SE 1/4

of Section 12, Twp. 112N, Range 80W. Said water to be used for the purpose of providing irrigation on portions of the following described land:
E 1/2, Section 12, T112N, R80W

This Application No. 4521-3 will be considered by the Water Management Board at the Civil Defense Room Capitol Building, Pierre, SD upon the 22nd day of May, 1980 at 10 A.M.

The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board 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 Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

BETTY WESTLUND
Water Rights Specialist

cc: William & Tom Maher and Harvey Buhl
207 E Missouri, Pierre, SD 57501

WNR-806A-7/79
GROUNDWATER

No. 4521-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hughes) ss.

I, John H. Hipple hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Daily Capital Journal

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 Pierre

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

May 9, 1980 and

May 16, 1980

John H. Hipple
(Signature)

Business Manager
(Title)

May 16, 1980
(Date Signed)

Spreeta M. Pitzer
MY COMMISSION
EXPIRES MAY 27, 1985

Legal Notice

No. 5501-21 dly May 9-18 1980

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APPLICATION TO
APPROPRIATE WATER

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WATER MANAGEMENT

BOARD

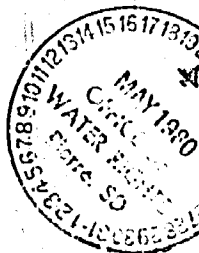
BETTY WESTLUND

Water Rights Specialist

cc: William & Tom Maher and

Harvey Buhl

207 E. Missouri, Pierre, SD 57501



RECEIPT

WATER RIGHTS COMMISSION

N^o 4 7464

State of South Dakota

PIERRE, April 17, 1980

RECEIVED OF Harvey Pehl, (Tom & William Maher) 207 E Missouri, Pierre

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

Fee for Application for Permit to Appropriate Water No. <u>4521-3</u> (examination, processing, recording and filing) -----	325 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	

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

March 22, 1983

4521-3

Wm/Tom Maher & Harvey Buhl
207 E Missouri
Pierre SD 57501

Dear Sir:

Water Permit No. 4521-3 was approved with the qualification that the Irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

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

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

March 31, 1986

Wm/Tom Maher & Harvey Buhl
207 E. Missouri
Pierre, SD 57501

Notice

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 4521-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

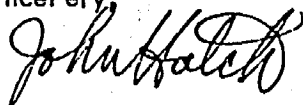
The hearings will be held at 2:00 p.m., May 14, 1986 in Room 216, Joe Foss Building, Pierre, South Dakota.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 4521-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

Sincerely,



John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, your name will be deleted from the agenda for the hearings.

South Dakota
Department of
Water & Natural Resources

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

May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(S)

To: Wm & Tom Maher, Harvey Buel
207 E Missouri
Pierre SD 57501

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

John Hatch

SUBJECT: Amendment to Water Permit No(s). 4521-3

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 4521-3 to add the following qualification:

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

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

Equal Opportunity Employer



Department of Water & Natural Resources

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

Attachment to Water Permit No. 4521-3

Pursuant to the provisions of the notice dated May 27, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 4521-3 to add the following qualification:

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

Equal Opportunity Employer



Department of Water & Natural Resources

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

4521-3

January 29, 1988

WM/TOM MAHER & HARVEY BUHL
207 E MISSOURI
PIERRE, SD 57501

NOTICE

Re: Violation of Water Permit No(s). 4521-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4521-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4521-3 qualification:

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

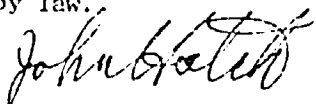
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4521-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

March 14, 1988

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: WM/TCM MAHER & HARVEY RUHL
207 E MISSOURI
PIERRE, SD 57501

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

SUBJECT: One Year Suspension Of Water Permit No(s). 4521-3

Pursuant to the provisions of the notice, dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 4521-3 be SUSPENDED until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

● **SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
 (Extra charge)†

WM/TOM MAHER & HARVEY BUHL
 207 E MISSOURI
 PIERRE, SD 57501

4. Article Number

P 501 738 950

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

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

X Peggy Maher
 6. Signature Agent
 X Roger Campbell
 7. Date of Delivery 3/15/88

PS Form 3811, Mar. 1987

★ U.S.G.P.O. 1937-175-268

DOMESTIC RETURN RECEIPT

LAW OFFICES OF
MAHER AND ARENDT
201 NORTH EUCLID
PIERRE, SOUTH DAKOTA 57501-3293

(605) 224-0491

THOMAS M. MAHER
AL ARENDT

March 15, 1988



Marian Gunderson, Chairperson
Water Management Board
227 Idaho, S.E.
Huron, South Dakota 57350

Dear Marian:

We (MBA Farms) received a Notice of Suspension on our water permit. The Notice of Suspension came as a surprise to us since we were not aware that we were scheduled for hearing on March 2, 1988. I called John Hatch today and found out that our 1987 questionnaire had not been sent in. We immediately filled out the questionnaire and it is in the file. He suggested I write this letter to you to request reconsideration.

The address on the Notice of Suspension is 207 E. Missouri in Pierre, South Dakota. My address is 201 North Euclid, Pierre, South Dakota. Bill Maher, who has been doing most of the farming, has been out of state for over six months. I am certain that the questionnaire was missed due to inadvertence. I am sure that our intention has been to comply with the questionnaire. We have done so every year prior to this since we have had the permit (approximately 7 years).

We are in the process of selling this land to Tom Tveidt and the closing is scheduled for this month. We would request that you consider a Board conference call to consider releasing us from suspension, as we need to complete the that real estate closing. If we were required to wait until May we would incur considerable interest costs and, it could kill the sale.

Thank you for your consideration in this matter.

MEM FARMS

(Bill Maher, Harvey Buhl & Tom Maher)

By: Tom Maher

Thomas Maher

TMM:gga

March 30, 1988

Mr. John Hatch, Chief Engineer
Water Rights Division
Depart. of Water and Natural Resources
Joe Foss Building
Pierre, SD 57501



Dear John:

I enclose the letter from Tom Maher which we discussed this morning on the phone.

Please write him a letter informing him of the time and place for the May meeting and encourage him to attend, without giving him any encouragement that the suspension will be lifted.

I think it is entirely proper that you note that I have sent his letter to you for research and answer.

Thank you and have a wonderful Easter.

Sincerely,

Marian

Marian Gunderson
327 Idaho SE
Huron, SD 57350



Department of Water & Natural Resources

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

April 1, 1988

4521-3

NOTICE

Thomas Maher
MBA Farms
201 North Euclid
Pierre, SD 57501

Dear Mr. Maher:

Marian Gunderson, Chairman, of the Water Management Board has forwarded to me your March 15, 1988 letter requesting a Special telephone conference call Board meeting to reconsider suspension of Water Permit No. 4521-3. Chairman Gunderson has asked me to notify you that a telephone conference call will not be scheduled. A hearing has been scheduled before the Water Management Board to review the suspension of Water Permit No. 4521-3 at 9:15 am, May 11, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD.

In your letter to Chairman Gunderson, you mentioned your current address of 201 North Euclid as compared to the address of 207 East Missouri where our previous notices were sent. The 207 East Missouri address was listed on the original permit application as submitted by William Maher, Tom Maher and Harvey Buhl and is the address where irrigation questionnaires have been mailed since the permit was issued. The notices dated October 8, 1987 and January 29, 1988 were mailed by First Class Mail to the 207 East Missouri address and the notices were not returned to us by the Post Office. We have reviewed our irrigation questionnaire files back to 1982. We have questionnaires for Water Permit No. 4521-3 on file for 1982, 1983, 1984, 1986 and now 1987. We did not receive an irrigation questionnaire from you in 1985. Following notice pursuant to SDCI 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17, Water Permit No. 4521-3 was amended by the Water Management Board to make the permit subject to receipt of the irrigation questionnaire.

I believe the failure to submit the questionnaire in 1985 and subsequent amendment of Permit No. 4521-3 with the Irrigation Questionnaire Qualification is one reason Chairman Gunderson did not call a special telephone conference call Board meeting.

Very truly yours,

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

cc: Harold Deering, Assistant Attorney General
John Guhin, Assistant Attorney General
Marian Gunderson, Chairman, Water Management Board

CERTIFICATION

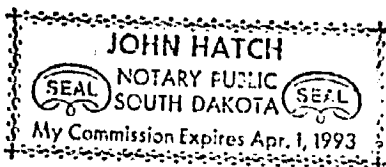
I hereby certify that on April 1, 1988 I have personally deposited with the U.S. Mail, a postage prepaid envelopes containing Notice addressed to:

Tom Maher
MBA Farms
201 North Euclid
Pierre SD 57501

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of April, 1988.



John Hatcher
Notary Public

William Maher, Tom Maher & Harvey Buhl
Water Permit No. 4521-3

GENERAL

Application submitted by: William Maher, Tom Maher &
Harvey Buhl
207 E Missouri
Pierre, SD 57501

Permit Approved: May 22, 1980

Permit Amended in 1986 to include the Irrigation
Questionnaire Qualification for violation of the
requirement to submit the 1985 irrigation questionnaire

Mr. Tom Maher also holds Water Right No. 1083-3 for Suburban
Housing Development purposes

No. 1083-3 was submitted by James H Hunt

Transferred March 17, 1981 to: Tom Maher, Harvey Buhl
& Rich Anderson (BAM)
207 E Missouri
Pierre, SD 57501

FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

<u>Year</u>	<u>Date Request Mailed</u>	<u>Date Irrigation Questionnaire Returned</u>	<u>Date of Any Board Action</u>
1983	November, 1983	January 27, 1984	none
1984	October, 1984	October 29, 1984	none
1985	November, 1985	did not return form	May 14, 1986
1986	November, 1986	December 17, 1986	none
1987	October, 1987	March 15, 1988	March 2, 1988

PAST VIOLATIONS

1. Violation of Requirement to Submit 1985 Irrigation
Questionnaire:

March 31, 1986, Wm & Tom Maher and Harvey Buhl were given
notice of violation of the requirement to submit the 1986
irrigation questionnaire and of the hearing scheduled before
the Water Management Board to be held May 14, 1986.

May 14, 1986, The Water Management Board amended Water
Permit No. 4521-3 to add the Irrigation Questionnaire
Qualification.

May 20, 1986, Wm & Tom Maher and Harvey Buhl (207 E Missouri) were notified of the Board action to amend Water Permit No. 4521-3.

2. 1987 Irrigation Questionnaire Violation

January 29, 1988, Wm/Tom Maher & Harvey Buhl were given notice of permit violation for non-return of the 1987 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held March 2, 1988.

March 2, 1988, The Water Management Board suspended Water Permit No. 4521-3 until December 31, 1988.

March 14, 1988, Wm & Tom Maher and Harvey Buhl were notified of the Board action to suspend Water Permit No. 4521-3. This notice was mailed return-receipt requested to 207 E Missouri, Pierre, SD. Peggy Maher and Roger Templeton signed the return receipt card.

March 15, 1988, the 1987 irrigation questionnaire was completed in the office by Tom Maher.

April 1, 1988, Thomas Maher, MBA Farms, 201 N Euclid, Pierre, SD, was notified of the hearing scheduled before the Water Management Board to be held May 11, 1988, to review the suspension of Water Permit No. 4521-3.



Department of Water & Natural Resources

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

May 13, 1988

NOTICE

TO: Tom/William Maher & Harvey Buhl
201 N Euclid
Pierre SD 57501

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

SUBJECT: Reinstatement of Suspended Water Permits and Notice of
One Year Suspension Without Reinstatement for Future
Irrigation Questionnaire Violations

The Water Management Board, following the May 11, 1988, hearing
passed the following motion:

"That the owners of Water Permits No. 1372-2 (Earl Sonnenschein & Sons); 1731-2 (Buckles Ranch); 235-3 (Russell Doolittle); 2171-3, 2497-3, 3229-3 (Harlan Stedheim); 2174-3, 2175-3, 2413-3, 3223-3, 4353-3, 5026-3, 5038-3 (Poinsett Hutterian Brethern); 3264-3 (John Heber); 3479-3, 4237-3 (Bob Kohnen) 3825-3 (Rod Page, operator); 4017-3 (Martin Ronning); 4257-3 (Patricia Ronning & Jeanette Hurrell); 4521-3 (Tom/William Maher & Harvey Buhl); 4564-3, 4611-3 (Wendel' Bishop); 4660-3 (Dihl Grohs); 4732-3 (Gerald Benjamin); 4741-3 (Lois J Elsingher); 4827-3 (Gary Smith); 4844-3 (Gerald Goetsch); 4966-3 (Delano Hofer); 4985-3, 4992-3, 5043-3, 5044-3 (Ray & David Hanson); 4754-3 (Richard Beare); and 375-2 (Rhea Brill), have now submitted the 1987 irrigation questionnaires for these permits, that a 60 day suspension period has been completed and that these permits are reinstated effective immediately. The owners of the permits are also NOTIFIED that failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement."

If you have any questions, please contact us.

cc: Water Management Board

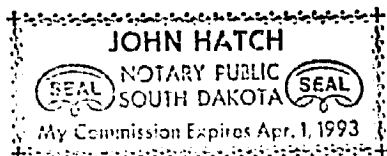


I hereby certify that on May 13, 1988 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice of Reinstatement of Suspended Water Permits addressed as follows:

Harun Schläpke

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of May, 1988.



John Hatcher
Notary Public

4521-3

LAW OFFICES OF
MAHER AND ARENDT
201 NORTH EUCLID
PIERRE, SOUTH DAKOTA 57501-3293

(605) 224-0191



THOMAS M. MAHER
AL ARENDT

May 19, 1988

South Dakota Dept. of
Water & Natural Resources
Joe Ross Building
Pierre, South Dakota 57501

Re: Water Permits

Dear Sirs:

This is written to inquire if you have a specific form for a transfer of a water permit? If so, would you please forward same to us as we have sold our irrigated land to Tom Tveidt and desire to make sure that we transfer the water permit to him.

Yours very truly,

MAHER & ARENDT

Tom Maher
Thomas M. Maher

TMM:gga
cc: Mr. Thomas E. Lee



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4521-3

May 25, 1988

Thomas M. Maher
Maher & Arendt
201 N. Euclid
Pierre, South Dakota 57501

Dear Mr. Maher:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

DWNR-82CA-8/83

NO. 4521-3

NOTICE OF TRANSFER OF WATER



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

This is to notify you that the title to the lands described as follows:

320 Acres - E $\frac{1}{2}$ Section 12, T112N, R80W

formerly owned by William Maher, Tom Maher and Harvey Buhl
has been transferred to Thomas L. Tveit and Mary S. Tveit, 2022 Coyote, Pierre,
(please include complete mailing address) SD-57501
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4521-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

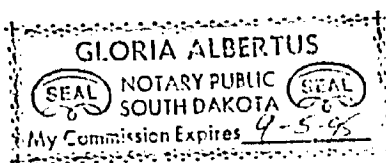
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Hughes) ss.

I, Gloria Albertus being first duly sworn on my oath despose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

William Maher, Tom Maher and Harvey Buhl
By Tom Maher their attorney
(Signed)

Subscribed and sworn to before me this 21st Day of May, 19 88.



Gloria Albertus
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 2, 1960

RECEIVED OF Pochos & Lee Law Offices, P.O. Box 610, Fort Pierre, SD 57032
the following amount in fees for services rendered as provided for by law: (For Thomas L. & Mary S. Tveit
6000 South Dakota Department of Water and Natural Resources 7501)

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. _____

Fee for Filing Transfer Form 4521-3

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

2 50

2 50

By

Chief Engineer

John Hatch
JOHN HATCH

NO. 4521-3

 **Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

June 3, 1988

Poches & Lee Law Offices
P.O. Box 610
Fort Pierre, South Dakota 57532

RE: Water Right Transfer for Thomas L & Mary S. Tveit

Dear Sir:

Enclosed is receipt No. 411266 in the amount of \$2.50 which you paid for transfer of Water Right No. 4521-3.

Our records now show Thomas L. and Mary S. Tveit as the owners of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.



South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 1, 1991

THOMAS L. & MARY S. TVEIT
2022 COYOTE
PIERRE SD 57501

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 4521-3

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 4521-3. The request for the chemigation report(s) was dated January 3, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

The hearing(s) will be held at 9:15 am, on February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

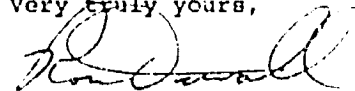
The hearing(s) will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4521-3 until either the 1990 chemigation report(s) is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

Very truly yours,



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

NOTE: If the chemigation report(s) is received in this office before the February 27th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: Thomas L. & Mary S. Treit 2022 Coyote Pierre, SD 57501	4. Article Number P 644 057 543 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Addressee X	8. Addressee's Address (ONLY if required and fee paid)
6. Signature - Agent X	
7. Date of Delivery FEB - 6 1991	



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 7, 1991

THOMAS L. & MARY S. TVEIT
2022 COYOTE
PIERRE SD 57501

Dear Mr. TVEIT:

I am writing to acknowledge receipt of your 1990 chemigation report for Water Right No.(s) 4521-3. You may disregard the February 1, 1991, Notice of failure to report chemical use for 1990. With receipt of the chemigation report, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall,
Natural Resources Engineer IV
Water Rights Division

4521-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

THOMAS L & MARY S TVEIT
2022 COYOTE
PIERRE SD 57501

NOTICE

RE: Violation of Water Permit No(s) 4521-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 4521-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4521-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 4521-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

Very truly yours,

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



4521-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

THOMAS L. & MARY TVEIT
2022 COYOTE
PIERRE SD 57501

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 4521-3

The first notice to file chemigation report(s) for Permit No(s) 4521-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 4521-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the 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). 4521-3 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.

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

4521-3

4a. Article Number

P906557 827

THOMAS L & MARY S TVEIT
2022 COYOTE
PIERRE, SD 57501

4b. Service Type

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

7. Date of Delivery

FEB - 4 1992

5. Signature (Addressee)

Mary Tveit

6. Signature (Agent)

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



4521-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 4, 1992

THOMAS L. & MARY TVEIT
2022 COYOTE
PIERRE SD 57501

Dear Mr. TVEIT:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No(s). 4521-3. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

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

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division



4521-3

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

February 6, 1992

4521-3

Thomas & Mary Tveit
2022 Coyote
Pierre, SD 57501

Dear Mr. & Mrs. Tveit:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Permit No. 4521-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

A handwritten signature in cursive script, which appears to read "Genny McMath".

Genny McMath
Natural Resources Analyst
Water Rights Division



4521-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE ROSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3118

THOMAS L & MARY S TVEIT
2022 COYOTE
PIERRE SD 57501

NOTICE

RE: Violation of Water Permit No(s) 4521-3

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 4521-3. 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 permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4521-3 qualification:

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

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. 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) 4521-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



4521-3

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

February 16, 1994

NOTICE

TO: THOMAS L. & MARY TVEIT
2022 COYOTE
PIERRE, SD 57501

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

RE: Failure to Report Chemical Use under Water Permit No(s) 4521-3

The first notice to file chemigation report(s) for Permit No(s) 4521-3 was dated October 18, 1993. Our records indicate that we have not received the 1993 chemigation report for Permits No(s) 4521-3. The Water Management Board has directed that owners of water permits who have not submitted the 1993 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

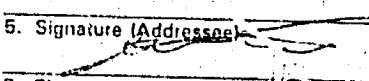
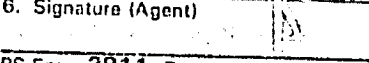
The hearing will be held at 8:45 A.M. on April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board 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). 4521-3 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 April 1, 1994, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to April 1, 1994, you will no longer be in violation and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☒ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.
3. Article Addressed to: THOMAS L & MARY S TVEIT 2022 COYOTE PIERRE SD 57501	4a. Article Number 4521-3	4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
5. Signature (Addressee) 	7. Date of Delivery FEB 18 1994	
6. Signature (Agent) 	8. Addressee's Address (Only if requested and fee is paid)	

Thank you for using Return Receipt Service.



4521-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 17, 1994

4521-3

Thomas L & Mary S Tveit
2022 Coyote
Pierre, SD 57501

Dear Mr. & Mrs. Tveit:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire and chemical reporting form. You may disregard the February 16, 1994, **Notice of Violation of Violation of Water Permit No. 4521-3 and Notice of Failure to Report Chemical Use.**

The questionnaire and chemical report were received in our office the same day as our "Notices" were mailed. Since the forms were received prior to the Water Management Board meeting, your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



January 30, 1996

4521-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: THOMAS L & MARY S TVEIT
2022 COYOTE
PIERRE SD 57501

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

RE: Failure to Report Chemical Use under Water Permit No(s) 4521-3

The first notice to file chemigation report(s) for Permit No(s) 4521-3 was dated 10/20/95. Our records indicate that we have not received the 1995 chemigation report for Permits No(s) 4521-3. The Water Management Board has directed that owners of water permits who have not submitted the 1995 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:45 A.M. on March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 4521-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the chemigation report(s) is(are) received by this office on/or before March 1, 1996 your name will be deleted from the board agenda.

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

Post Office employees to fill

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

Thomas L. & Mary S. Tveit
2022 Coyote
Pierre SD 57501

4a. Article Number

2348318915

4b. Service Type

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

7. Date of Delivery

1-31-96

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X. Mary Tveit

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

4521-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 29, 1996

2056B-3
4521-3

Tom Tviet
PO Box 1114
Pierre, SD 57501

Dear Mr. Tviet:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire for No. 2056B-3. (Organa Corporation) and the chemical use information pertaining to No. 4521-3. You may disregard the January 30, 1996, Notice of Violation of the Requirement to Submit the 1995 Irrigation Questionnaire and the Notice of Failure to Report Chemical Use.

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

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

4521-3
THOMAS L & MARY S TVEIT
2022 COYOTE
PIERRE SD 57501

4a. Article Number

P 378 080 578

4b. Service Type

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

7. Date of Delivery

2-5-97

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Mary Tveit

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

Domestic Return Receipt

PS Form 3811, December 1994

Thank you for using Return Receipt Service.



4521-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3161

February 4, 1997

NOTICE

TO: THOMAS L & MARY S TVEIT
2022 COYOTE
PIERRE SD 57501

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

RE: Failure to Report Chemical Use under Water Permit No(s) 4521-3

The first notice to file chemigation report(s) for Permit No(s) 4521-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for Permits No(s) 4521-3. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to chapter 1-26. According to SDCL 46-1-12, the board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 4521-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

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



4521-3

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

February 4, 1997

NOTICE

TO: THOMAS L & MARY S TVEIT, 2022 COYOTE, PIERRE, SD 57501

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

SUBJECT: Violation of Water Permit No(s). 4521-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 4521-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4521-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 4521-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 1997

4521-3

Thomas L & Mary S Tveit
2022 Coyote
Pierre, SD 57501

Dear Mr. & Mrs. Tveit::

I am writing to acknowledge receipt of your 1996 irrigation questionnaire and chemical reporting form. You may disregard the February 4, 1997, Notices of Violation of Water Permit No. 4521-3 and Failure to Report Chemical Use.

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

Thank you and if you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: THOMAS L & MARY S TVEIT, 2022 COYOTE, PIERRE SD 57501

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

RE: Requirement to Report 1997 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 4521-3 was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 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, February 25, 1998, 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). 4521-3 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 February 20, 1998, 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 February 20, 1998 you will no longer be in violation and your name will be deleted from the Board agenda.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: THOMAS L & MARY S TVEIT, 2022 COYOTE, PIERRE, SD 57501
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4521-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 4521-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4521-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

4521-3

THOMAS L & MARY S TVEIT
2022 COYOTE
PIERRE SD 57501

4a. Article Number

2119 141 512

4b. Service Type

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

7. Date of Delivery

1-10-8

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *[Signature]*

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

Thank you for using Return Receipt Service.

4521-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1998

4521-3

Thomas & Mary S Tveit
2022 Coyote
Pierre, SD 57501

Dear Mr. & Mrs. Tveit:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire and chemical use reporting form. You may disregard the January 9, 1998, "Notices" concerning reporting requirements for Water Permit No. 4521-3.

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

4521-3



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: THOMAS L & MARY S TVEIT, 2022 COYOTE, PIERRE, SD 57501
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(s) has not been submitted for Permit No(s) 4521-3. 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(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) 4521-3 qualification:

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

The hearing will be held at 9:45 am, March 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. 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) 4521-3 in accordance with applicable provisions of SDCL 46-1-12;
- 2. Postpone any action; or
- 3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



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: THOMAS L & MARY S TVEIT, 2022 COYOTE, PIERRE SD 57501

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) 4521-3 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). 4521-3 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.

45213

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: THOMAS L & MARY S TVEIT 2022 COYOTE PIERRE SD 57501		4a. Article Number 2 119 141 618 4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD 7. Date of Delivery 1-23-94	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature: (Addressee or Agent) <i>Mary Tveit</i>			

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.



4521-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 1999

1988-3
4116-3
4521-3

Tom Tviet
PO Box 1002
Pierre, SD 57501

Dear Mr. Tviet:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires and chemical reporting forms. You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Permit No. 1988-3, 4116-3 (Gray Goose Irrigation District) and Permit No. 4521-3 (Thomas & Mary Tveit).

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

Permit No. 4521-3
Missouri River - Water District

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

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

I have this day, June 22, 1999 made a thorough examination of the water use system constructed by Thomas L. and Mary S. Tveit of 2022 Coyote, Pierre, SD 57501 holder of Permit No. 4521-3, bearing the priority of April 17, 1980 authorizing the diversion of 4.0 cu. ft. per second of the waters of Gray Goose Aquifer for irrigation purposes, in Hughes County.

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

A. Works used to divert the water:

Well #1 is 122' deep with 102' of 16" pvc casing and 20' of pvc screen; Gould pump model no. 1A-21863-95 with a 750 gpm capacity; General Electric motor rated at 75 hp.
Well #2 is 129' deep with 114' of 16" pvc casing and 15' of stainless steel screen; Berkley pump with a 850 gpm capacity; General Electric motor rated at 100 hp.

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

2740' of 8" pvc pipe.

C. Works used to apply water to beneficial use:

Two Reinke center pivots 1320' long with 9 towers and an end gun, both are high pressure systems.
The capacity of the center pivot in the NE¼ is 850 gpm and the capacity of the center pivot in the SE¼ is 750 gpm.

The system is in the following condition good. The point of diversion is located well #1 is 1206' N and 1420' W and well #2 is 1806' N and 1320' W all of the SE corner Section 12, T112N, R80W. The works are capable of diverting and conveying to the place of use 3.56 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 12, T112N, R80W:

<u>NE¼ NE¼ 31 acres</u>	<u>NE¼ SE¼ 32 acres</u>
<u>NW¼ NE¼ 31 acres</u>	<u>NW¼ SE¼ 32 acres</u>
<u>SW¼ NE¼ 31 acres</u>	<u>SW¼ SE¼ 32 acres</u>
<u>SE¼ NE¼ 31 acres</u>	<u>SE¼ SE¼ 32 acres</u>

comprising a total of 252 acres of land and the license should be issued for 3.56 cfs.
 Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

Lynn Beck
 Lynn Beck
 Natural Resources Engineer
 DENR, Water Rights Program

Nov. 16, 1999
 Date

REPORT ON INSPECTION OF PERMIT NO. 4521-3

DATE OF INSPECTION: 6-22-99

Other permit(s) associated with the project: #

NAME & ADDRESS OF INSPECTION CONTACT: Tom Tveit, 2022 Coyote, Pierre SD 57501, (605) 224-7408

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: same as above

DIVERSION POINT LEGAL LOCATION: Well #1 is 1206' N and 1420' W and well #2 is 1806' N and 1320' W all of the SE corner Section 12, T112N, R80W.

WELL INFORMATION: Well #1

- 1) Well Drilling Firm: Pullman Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 122 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 16 inches
- 2) Length 102 feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length 20 feet
- 3) Static water level # feet

Pump:

- 1) Make Gould
- 2) Model 1A-21863-95
- 3) Size #
- 4) Capacity 750 GPM

Motor:

- 1) Make General Electric
- 2) Model No. #
- 3) Horsepower rating 75 hp

WELL INFORMATION: Well #2

- 1) Well Drilling Firm: Dakota Boring
- 2) No. of Wells 1
- 3) Depth(s) 129 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 16 inches
- 2) Length 114 feet
- 3) Type pvc

Screen:

- 1) Type stainless steel
- 2) Length 15 feet
- 3) Static water level # feet

Pump:

- 1) Make Berkley
- 2) Model #
- 3) Size #
- 4) Capacity 850 GPM

Motor:

- 1) Make General Electric
- 2) Model No. #
- 3) Horsepower rating 100 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type pvc 2) Size 8" 3) Length 2740 feet

SYSTEM TYPE:

Center Pivot: Pivot in NE $\frac{1}{4}$.

- 1) Make Reinke
- 2) Overall length 1325
- 3) Number of towers 9
- 4) End gun yes
- 5) High or low pressure high
- 6) Capacity 850 GPM

Center Pivot: Pivot in SE 1/4.

- 1) Make Reinke
- 2) Overall length 1325
- 3) Number of towers 9
- 4) End gun yes
- 5) High or low pressure high
- 6) Capacity 700GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate not presently
- 2) Main line check valve yes
- 3) inspection port/air relief yes
- 4) Low pressure drain yes
- 5) Discharge is 20' from source yes
- 6) Interlock type electric
- 7) Injection pump type diaphragm
- 8) Injection check valve yes
- 9) Injection line check valve or positive displacement pump yes
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes
- 11) Comments : **Has not chemigated but both center pivots are set up with CV8 chemigation units.**

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Thomas L. and Mary S. Tveit

ADDRESS: 2022 Coyote, Pierre, SD 57501

DATE: December 9, 1999

COUNTY: Hughes

TELEPHONE: (605) 224-7408

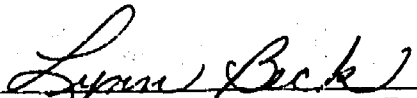
AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**
Same water source as permitted diversion point. Location of diversion point was permitted for the center of the NE¼ Section 12, actual location is 1320' W and 1806' N of the SE corner Section 12, T112N, R80W.
- **If irrigation, no new land is irrigated**
All irrigated lands covered under Permit No. 4521-3.
- **Review of Existing Diversions**
There are two water rights using the same source of water within one mile of this diversion. SLS Farms has Water Right No. 4580A-3 for 0.31 cfs and Jim Schumacher has 4500-3 for 1.78 cfs.

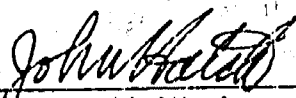
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.


Lynn Beck, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.

 12-9-99
John Hatch, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 14, 1999

4521-3

Thomas L. and Mary S. Tveit
2022 Coyote
Pierre, SD 57501

Dear Mr. and Ms. Tveit:

The investigation of your water use system was conducted on June 22, 1999, by Lynn Beck, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 4521-3. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation 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 Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416320

RECEIVED OF Tom and Mary Tveit, P.O. Box 1114, Pierre, SD 57501-1114 Pierre, January 3, 2000
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. 4521-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

John Hatch



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JAN 6 2000

4521-3

Thomas L. and Mary S. Tveit
2022 Coyote
Pierre, SD 57501

Dear Mr. and Ms. Tveit:

Enclosed is Water License No. 4521-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416320 in the amount of \$50.00 which you paid for the investigation 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. 4521-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water 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, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4521-3

(1) William Maher, Tom Maher and Harvey Buhl, Pierre SD made Application No. 4521-3, April 17, 1980 for a water permit to divert 4.0 cubic feet of water per second from groundwater (two wells), Hughes County, South Dakota for irrigation purposes. Permit No. 4521-3, with a priority date of April 17, 1980 was approved May 22, 1980 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 22, 1982 and for the application to beneficial use of said water on or before May 22, 1982.

On June 2, 1988, Water Permit No. 4521-3 was transferred to Thomas L and Mary S Tveit.

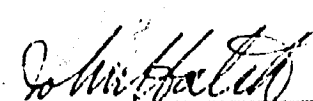
An investigation conducted for licensing purposes found that one of the wells under Water Permit No. 4521-3 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

(2) It is certified that the permit holder 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 3.56 cubic feet of water per second for beneficial use. The location of the diversion points are Well #1 - 1,206 feet north and 1,420 feet west SW ¼ SE ¼ and Well #2 - 1,806 feet north and 1,320 feet west (N ½ SE ¼); all from the southeast corner of Section 12-T112N-R80W.

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

Section 12-T112N-R80W			
NE ¼ NE ¼	31 acres	NE ¼ SE ¼	32 acres
NW ¼ NE ¼	31 acres	NW ¼ SE ¼	32 acres
SW ¼ NE ¼	31 acres	SW ¼ SE ¼	32 acres
SE ¼ NE ¼	31 acres	SE ¼ SE ¼	32 acres
Total 252 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Thomas L and Mary S Tveit, 2022 Coyote, Pierre SD 57501 the holders and/or owners of Water Right No. 4521-3 are issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from groundwater (two wells) with a priority date of April 17, 1980 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 Water Right No. 4521-3 and subject to South Dakota State Law.


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

JAN 6 2000
date





4521-3
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: THOMAS L & MARY S TVEIT, 2022 COYOTE, PIERRE, SD 57501

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(s) has not been submitted for Permit No(s) 4521-3. 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(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) 4521-3 qualification:

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

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. 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) 4521-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

4521-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) _____ B. Date of Delivery <u>1-15-00</u>	
1. Article Addressed to: THOMAS L & MARY S TVEIT 2022 COYOTE PIERRE SD 57501		C. Signature <u>X Kristi Tveit</u> ☐ Agent ☐ Addressee	
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
2. Article Number (Copy from service label) <u>7227 670 233</u>		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	

PS Form 3811, July 1999

Domestic Return Receipt

102595-99 11-1789



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 2000

4521-3

Thomas & Mary Tveit
2022 Coyote
Pierre, SD 57501

Dear Mr. & Mrs. Tveit:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right No. 4521-3.

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



4521-3
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: THOMAS L & MARY S TVEIT, 2022 COYOTE, PIERRE, SD 57501
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(s) has not been submitted for Permit No(s) 4521-3. 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(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) 4521-3 qualification:

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

The hearing will be held at 8:30 am, March 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. 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) 4521-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4521-3

Track & Confirm**Delivery Status**

You entered 2301 0370 0000 7541 4265

Your item was delivered at 1:43 pm on January 18, 2003 in PIERRE, SD 57501. The item was signed for by M TVEIT.

[Request Delivery Record >](#)**Track & Confirm**

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE ROSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/demr

February 3, 2003

4521-3

Thomas L & Mary S Tveit
2022 Coyote
Pierre SD 57501

Dear Mr. & Mrs. Tveit:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 4521-3.

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.

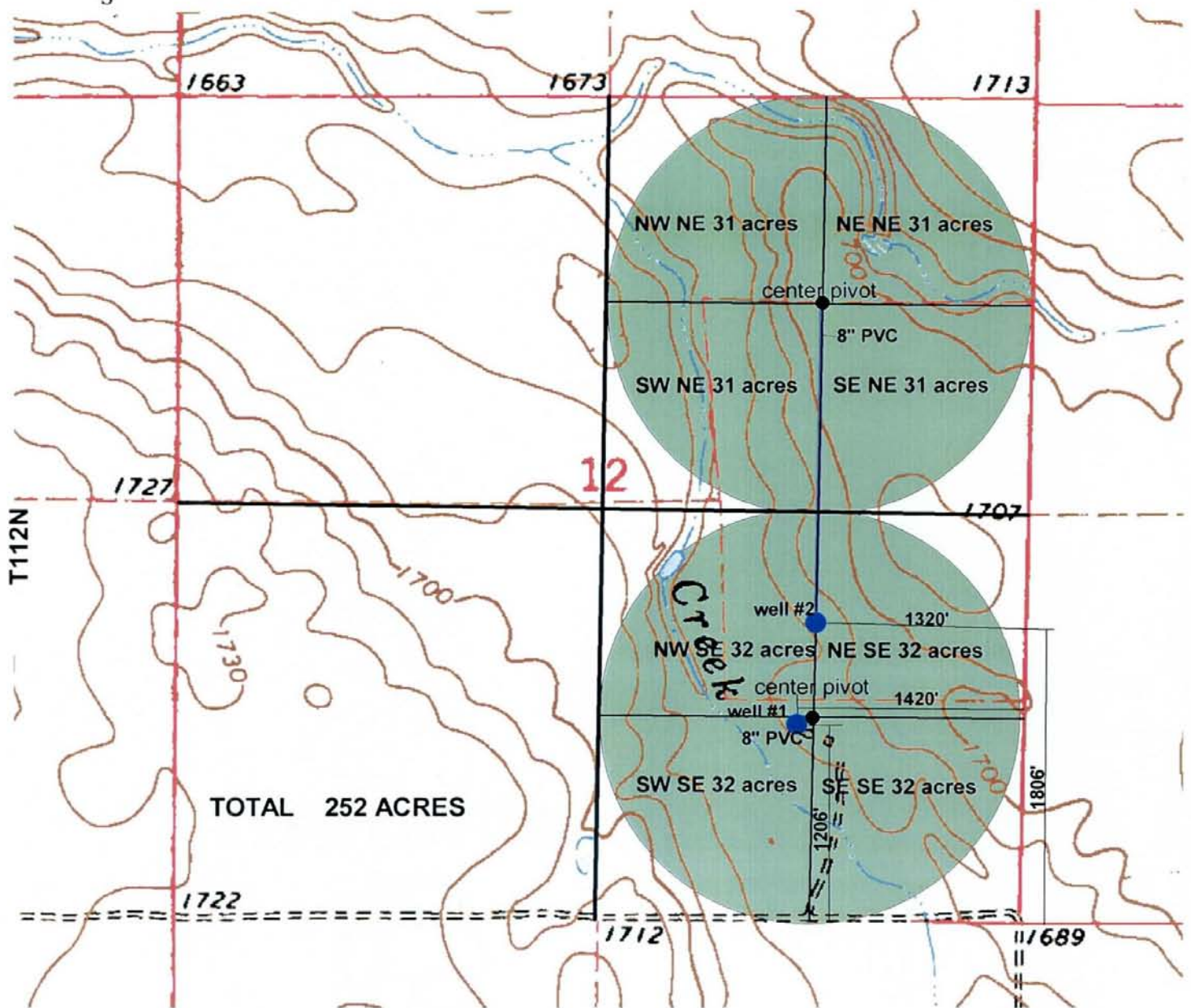
Sincerely,

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

WATER RIGHT NO. 4521-3



R80W



TOTAL 252 ACRES

SCALE

0.5

0

0.5 Miles

Lynn Beck

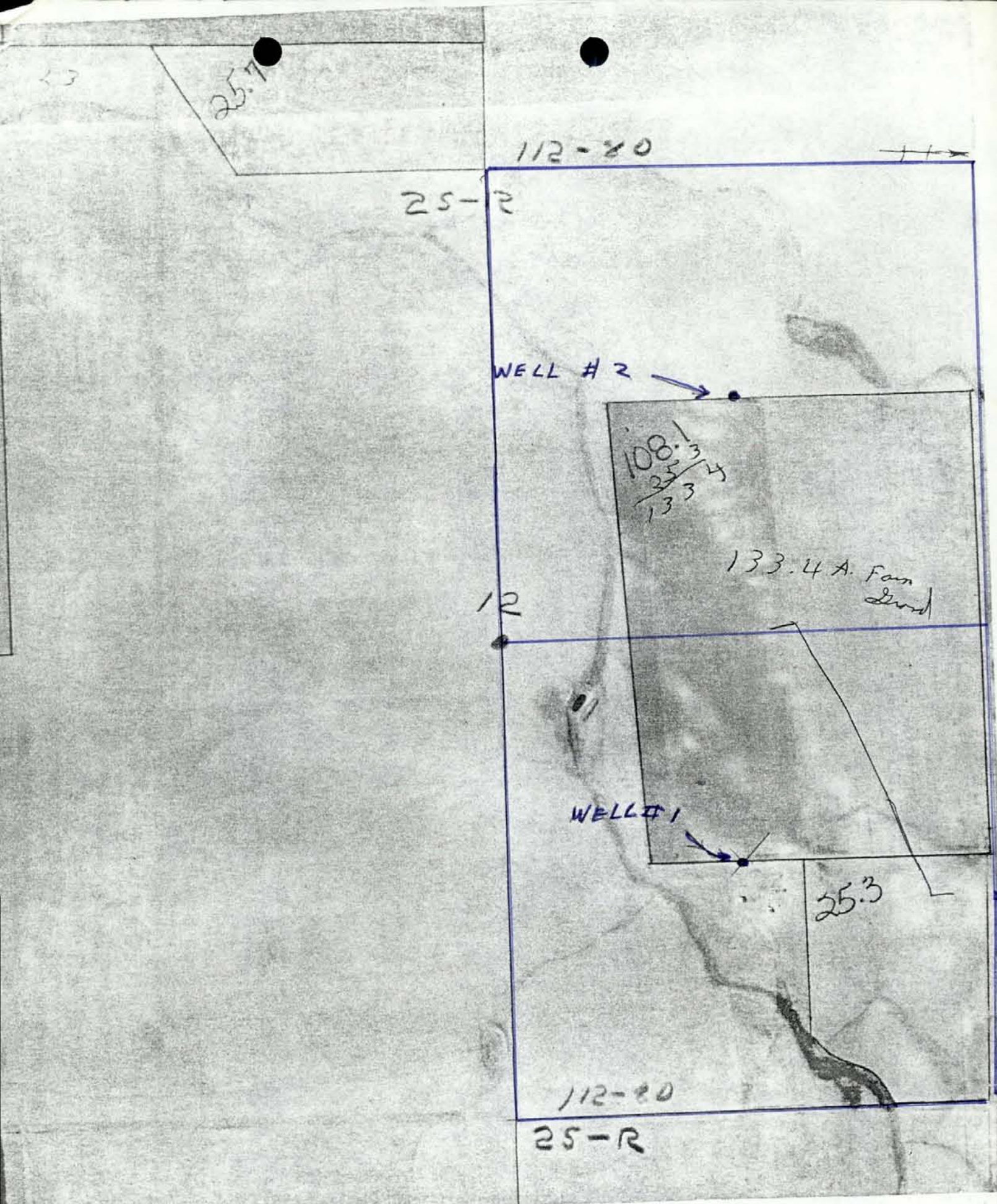
Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program
November 16, 1999



South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today



As part of my governmental duties I
 Certify that this is a complete and accurate
 map of E 1/2, 12, T112, R. 80 5th P.M.
 Hyden Co. S. 12.
 Dated this 17 day 8 April 1980

SCS Office
 Marvin R. Johnson
 Soil Conservation Technician

~~Map No. 37433~~ Appl 4521-3



4521-3

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 24, 2006

NOTICE

TO: THOMAS L & MARY S TVEIT, 19930 GREY GOOSE RD, PIERRE, SD 57501

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4521-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 4521-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 4521-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4521-3

Track & Confirm

Current Status

You entered 2303 2160 0000 0799 5517

Your item was delivered at 10:00 am on February 04, 2006 in PIERRE, SD 57501. The item was signed for by T TVEIT.

[Shipment Details >](#)

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Enter label number:

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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 5517

THOMAS L & MARY S TVEIT
19930 GREY GOOSE RD
PIERRE SD 57501

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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PS Form 153, May 2002

(See Reverse)



4521-3

**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 28, 2006

4116-3
4521-3

Thomas & Mary Tveit
19930 Grey Goose Rd
Pierre SD 57501

Dear Mr. & Mrs. Tveit:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 4116-3 (Gray Goose Irrigation District) and 4521-3 (listed in your names).

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



**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 23, 2009

NOTICE

TO: THOMAS L & MARY S TVEIT, 19930 GREY GOOSE RD, PIERRE, SD 57501

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4521-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 4521-3 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, 2009** 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:

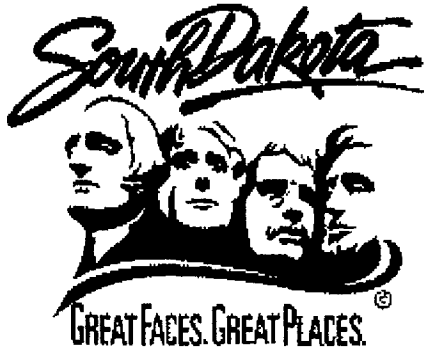
1. Suspend or cancel Permit No(s) 4521-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, 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/efrms/secure/efrms/E0455V7-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.



**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 10, 2009

Tom Tveit
19930 Grey Goose Rd
Pierre SD 57501

RE: Water Right No. 4521-3 (Tom Tveit) and
Water Right No. 4116-3 & Water Permit No. 6997-3 (Gray Goose Irrigation District)

Dear Mr. Tveit:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for the water right held in your name and those held by Gray Goose Irrigation District.

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

Gronlund, Eric

From: Duvall, Ron
Sent: Monday, April 25, 2011 8:03 AM
To: Goodman, Jim
Cc: Gronlund, Eric; Smith, Kim
Subject: FW: Atten: Jim Goodman

Jim, to your attention...

-----Original Message-----

From: Tom Tveit [mailto:ttveit@mncomm.com]
Sent: Monday, April 25, 2011 7:42 AM
To: DENR INTERNET INFORMATION
Subject: Atten: Jim Goodman

Jim - I talked to you by phone about constructing an additional irrigation well as an additional point of diversion under the water right issued for irrigation of the NE ¼ of section 12 T112N R80W in Hughes county. Production from the one well in place has been in the range of 500 to 600 gpm for the past several years. After drilling several test wells near the existing well, we believe that the best way to produce the 800 gpm that I need is to add a well. I agree that with this additional well, I will not produce more than my permit allows. The new well will be constructed approximately 300 feet south of the existing well that is located in the SE ¼ of section 12 T112N, R80W.

With this letter, I am asking permission to construct and develop this additional well. I agree not to exceed the total flow currently permitted under the existing license.

Tom Tveit

Gronlund, Eric

From: Tom Tveit [ttveit@mncomm.com]
Sent: Monday, April 25, 2011 2:41 PM
To: Gronlund, Eric
Subject: RE: Request for an additional well

1. The proposed well is to be used to supplement the north well of the two existing ones. I propose to put it half way between the existing wells so that we can use it to supplement the south one as well, should the need arise.
2. The new well will be completed in the Grey Goose Aquifer.
3. No new land will be irrigated with the addition of this well, and I will not pump more than water right 4521-3 currently appropriates. There are two center pivots in use at this time, and they are designed to use 700 GPM each.

Tom Tveit

From: Eric.Gronlund@state.sd.us [mailto:Eric.Gronlund@state.sd.us]
Sent: Monday, April 25, 2011 11:26 AM
To: ttveit@mncomm.com
Cc: Jim.Goodman@state.sd.us
Subject: Request for an additional well

Tom - Jim and I spoke about your request for an additional well. Prior to processing the request, we need a few points of clarification.

1. Water Right No. 4521-3 appropriates a total of 1600 gallons per minute from two wells for irrigation of the E 1/2 of Section 12. Both existing wells are in the SE 1/4 of Section 12 with one being approximately 600 feet north of the other. We presume the north well is used to operate the pivot in the NE 1/4 and south well supplies the pivot in the SE 1/4. Is the proposed additional well to be located 300 feet south of the southern most existing well? That seems to make the most sense but just want to make sure.

2. The water source is the Grey Goose Aquifer. Is it correct to assume this additional well will be completed into the Grey Goose Aquifer?

State law allows for an additional point of diversion if it is from the same source of water, no additional water is appropriated and no new land is to be irrigated without formal application and public notice if the Chief Engineer can make a finding that the change does not increase the potential for interference with existing diversions. Once these questions are answered so we know for certain the location of the additional well and that the source is the Grey Goose Aquifer, we will proceed to review your request for the purpose of bringing before the Chief Engineer to issue a finding authorizing the additional well.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

-----Original Message-----

From: Tom Tveit [mailto:ttveit@mncomm.com]
Sent: Monday, April 25, 2011 7:42 AM
To: DENR INTERNET INFORMATION
Subject: Atten: Jim Goodman

Jim - I talked to you by phone about constructing an additional irrigation well as an additional point of diversion under the water right issued for irrigation of the NE 1/4 of section 12 T112N R80W in Hughes county. Production from the one well in place has been in the range of 500 to 600 gpm for

04/25/2011

the past several years. After drilling several test wells near the existing well, we believe that the best way to produce the 800 gpm that I need is to add a well. I agree that with this additional well, I will not produce more than my permit allows. The new well will be constructed approximately 300 feet south of the existing well that is located in the SE ¼ of section 12 T112N, R80W.

With this letter, I am asking permission to construct and develop this additional well. I agree not to exceed the total flow currently permitted under the existing license.

Tom Tveit



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 19, 2011

Tom Tveit
19930 Grey Goose Road
Pierre SD 57501

Dear Mr. Tveit:

I am writing in regard to a request for an additional diversion point for irrigation authorized by Water Right No. 4521-3.

Water Permit No. 4521-3 appropriates 3.56 cubic feet of water per second (1,600 gpm) from two wells completed in the Grey Goose Aquifer located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12, T112N, R80W to irrigate 252 acres located in the E $\frac{1}{2}$ Section 12, T112N, R80W.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional well is authorized without application or publication of a notice of hearing. The additional well is approximately 325 feet south of the north well located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12.

No additional appropriation above the amounts authorized by Water Right No. 4521-3 is authorized. If more than 3.56 cfs (1,600 gpm) is diverted or 252 acres irrigated is exceeded, a new water permit will need to be obtained.

There will be three wells within 750 feet of each other. It may become the water rights holder's decision how to operate the wells serving the two center pivots in a manner to manage interference between the wells.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Request for Additional Diversion Point

NAME: Thomas and Mary Tveit

ADDRESS: 19930 Grey Goose Road, Pierre SD 57501

DATE: May 11, 2011 **COUNTY:** Hughes **TELEPHONE:**

Water Permit No. 4521-3 appropriates 3.56 cubic feet of water per second (1,600 gpm) from two wells completed in the Grey Goose Aquifer located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12, T112N, R80W to irrigate 252 acres located in the E $\frac{1}{2}$ Section 12, T112N, R80W.

Mr. Tveit filed a request via email to DENR regarding constructing an additional irrigation well. The well is to be located about half way between the two existing wells which are approximately 750 feet apart. See attached map. The initial purpose of the additional well is to supplement the north well which has been in the range of 500 to 600 gpm to supply the pivot in the NE $\frac{1}{4}$ of Section 12. However, it may be used to also supplement the south well for applying water to the SE $\frac{1}{4}$ of the section. No additional water is to be appropriated and no new land will be irrigated.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source remains the Grey Goose Aquifer. The two existing wells are listed as being 122 and 129 feet deep. No additional water is to be appropriated by this request. The wells authorized by Water Right No. 4521-3 appropriates 3.56 cfs (1600 gpm). The submitted request reflects that no additional diversion rate authority is requested. The additional well is intended to supplement a decrease in production of the north well

- **Review of Existing Diversions (see map)**

The Water Rights Program's database of well completion reports was also reviewed for wells greater than 100 feet deep but less than 140 feet deep. Based on the completion reports on file, the nearest domestic well is approximately 3,100 feet to the north east. The next closest domestic well is about 6,800 feet south east. These are the only two domestic well completion reports on file within a two mile radius that appear to use the Grey Goose Aquifer. Both wells were drilled in 1983 and the current status is unknown.

The nearest water right using the Grey Goose Aquifer is held by Jim Schumacher and located approximately 4,000 feet southwest of the wells authorized by Water Right No. 4521-3. The next closest is a commercial use permit for The Maschhoffs LLC for a swine facility located approximately

4,200 feet to the north. Finally, an irrigation right for Marvin Schumacher is approximately 4,550 feet northwest of proposed additional well.

The staff report for the most recent permit application from the Grey Goose Aquifer was prepared in 2006. It concluded that interference is not a concern. However, this proposed new well does put another well in a location of close proximity to two wells. All together there will be three wells within 750 feet of each other. The wells are held by the same owner under the same water right. It will be the water right holder's decision on how to operate the wells serving the two center pivots in the event there is interference between the wells.

There is a significant amount of irrigation in the area primarily supplied by the Missouri River.

CONCLUSION

- The additional well does not appropriate additional water.
- The additional well is completed into the Grey Goose Aquifer.
- Interference is not expected to be a concern.
- Existing domestic wells will not be adversely impacted by authorizing this additional well.

RECOMMENDED ACTION

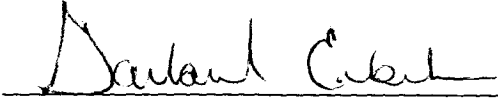
Based on the above criteria, it is recommended that the additional diversion point be authorized pursuant to SDCL 46-5-13.1.



Eric Gronlund, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This additional diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

Request for Additional Well to Water Right No. 4521-3



4,000 2,000 0 4,000 Feet

- ★ Proposed additional well
- Domestic wells completed at a depth > 100 ft and < 140 ft
- Existing wells authorized by Water Right No. 4521-3
- Wells for other water rights using Grey Goose Aquifer



Sec 2
T112N
R80W

Sec 1
T112N
R80W

Sec 6
T112N
R79W

Sec 11
T112N
R80W

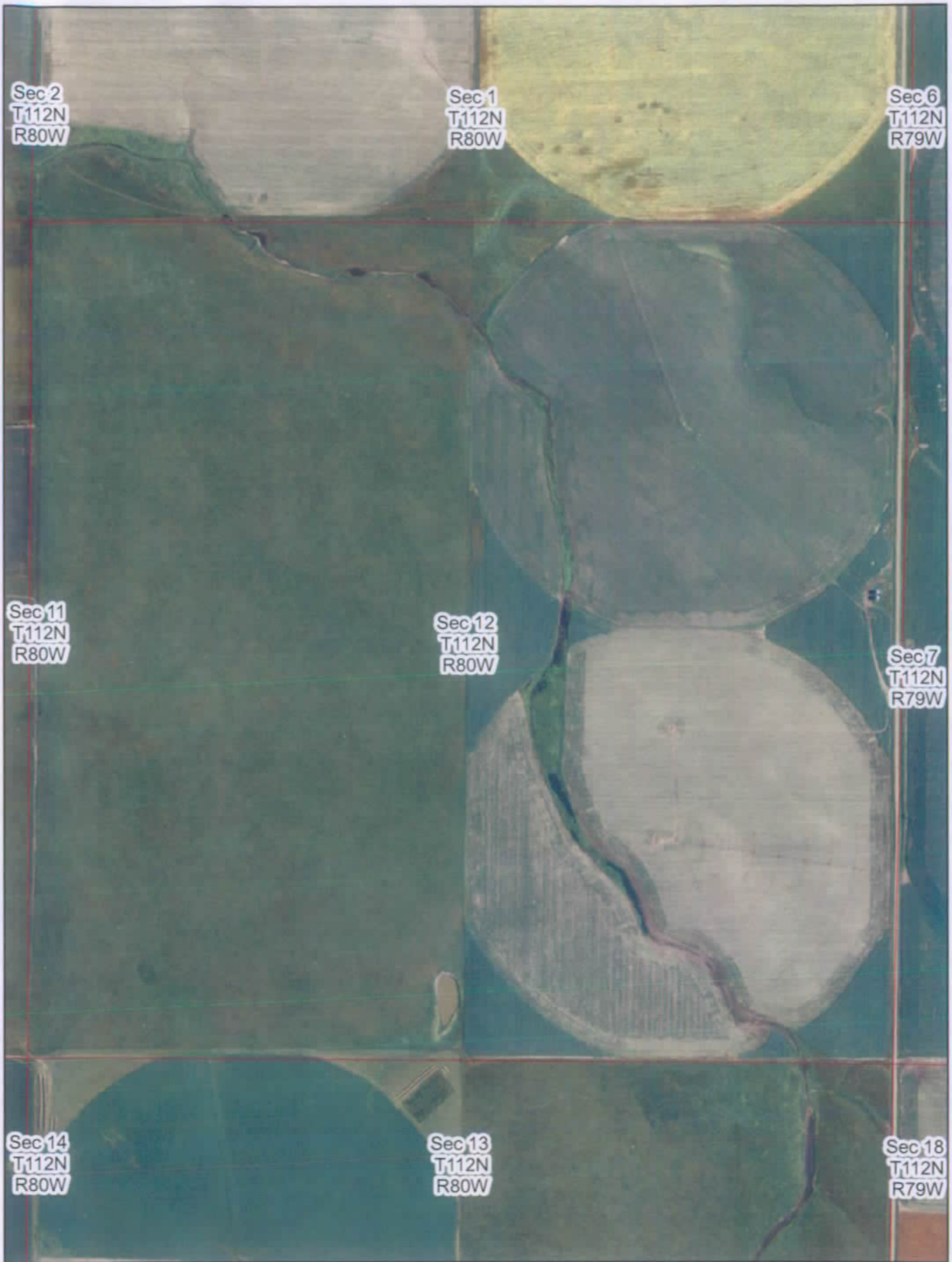
Sec 12
T112N
R80W

Sec 7
T112N
R79W

Sec 14
T112N
R80W

Sec 13
T112N
R80W

Sec 18
T112N
R79W





Sec. 12
T. 112N
R. 80W

Sec. 7
T. 112N
R. 79W

Sec. 13
T. 112N
R. 80W

Sec. 18
T. 112N
R. 79W



4521-3
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, 2012

NOTICE

TO: THOMAS L & MARY S TVEIT, 19930 GREY GOOSE RD, PIERRE, SD 57501
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4521-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 4521-3 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 7, 2012** 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) 4521-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, 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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 8, 2012

Tom Tveit
19930 Grey Goose Rd
Pierre SD 57501

RE: Water Permit or Right Nos. 4116-3, 6997-3 & 7229-3, Gray Goose Irrigation District
Water Right No. 4521-3, Thomas & Mary Tveit

Dear Mr. Tveit:

I am writing to acknowledge receipt of the information for your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for the above listed water permits and rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

RECEIVED

JAN 28 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4521-3

Date: 1/26/16

I/We request that Water Right No. 4521-3

formerly owned by: Thomas L and Mary S Tveit

be transferred to: (name & address) Lenny Peterson & Karen Peterson
19111 Maple Ave. Hitchcock, SD 57348

Telephone No. (605) 354-4602

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

252 acres - E 1/2 Section 12, T112N, R80W

I/We understand that the validity of Water Right No. 4521-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of 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 LENNY PETERSON, 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 1/28, 20 16

RECEIVED OF Lenny Peterson 19111 Maple ave Hitchcock SD 57348

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>4521-3</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. 07711

By Jane Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

January 28, 2016

4521-3

Lenny & Karen Peterson
19111 Maple Ave
Hitchcock SD 57348

Dear Mr. & Mrs. Peterson:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 4521-3.

The ownership change has been completed. Water Right No. 4521-3 formerly held by Thomas L and Mary S Tveit is now listed in your names.

Enclosed for your records is Receipt No. 007711 in the amount of \$50 which you paid for filing the ownership change.

If you have any questions, please contact me.

Sincerely,

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

enclosure



4521-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 9, 2022

4521-3

Jonathon Hofer
MGJR LLC
3608 N Frontier Rd
Ft Pierre SD 57532

Dear Mr. Hofer:

Thank you for calling concerning the need for an ownership change on Water Right No. 4521-3.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed is 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
Genny.mcmath@state.sd.us

enclosures

4521-3

RECEIPT

WATER RIGHTS PROGRAM
 South Dakota Department of Agriculture and Natural Resources

Date March 18, 2022RECEIVED OF Jon Hofer/MGJR LLC 3608 N Frontier Rd., Ft. Pierre SD 57532

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>4521-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By Eric Gronlund
 Chief Engineer
Em

PAID

MAR 18 2022

NOTICE OF TRANSFER OF OWNERSHIP

Ck# 1168

Rec't# _____

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

RECEIVED

MAR 18 2022

WATER RIGHTS
PROGRAM

No. 4521-3

Date: 3-13-2022

I/We request that Water Right No. 4521-3

formerly owned by: Lenny & Karen Peterson

be transferred to: (name & address) MGJR LLC, 3608 N Frontier Rd, Ft Pierre SD 57532

Telephone No. _____

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

252 acres – E ½ Section 12, T112N, R80W

I/We understand that the validity of Water Right No. 4521-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of 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 Jon Hoyer, the new owner, certify that the above information is true and correct.

Jon Hoyer member MGJR LLC.
(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.

4521-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 24, 2022

4521-3

Jon Hofer
MGJR LLC
3608 N Frontier Rd
Ft Pierre SD 57532

Dear Mr. Hofer:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 4521-3.

The ownership change has been completed. Water Right No. 4521-3, formerly held by Lenny and Karen Peterson is now listed under MGJR LLC.

Enclosed for your records is a receipt for the filing fee you paid. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosure