

1. Considered 1/28 19 81
2. Name of Applicant Arvin Rubida
3. Post Office Address Box 546, Elk Point, 57025
4. Amount of Water Claimed 2.28
100' well
5. Source of Water Supply IRR
6. Water to be used for _____
7. Acres to be irrigated 160 maximum
acre feet _____
8. Water to be diverted and used in Union County
about 2N, 5 miles west of Jefferson
9. PROOF OF PUBLICATION Received 1-5-81

Not Received _____

APPLICATION

Approved 1/29/81Subject to WI-T Q

Not Approved _____

Action deferred _____

Priority

Date

Received 12/10/80Application Complete yes ☒ no _____FEE 250.0012/10/80

Remarks _____

Date information and/or

fee or corrected Application received _____

Period of Annual use April through OctoberWATER
QUALITYReceived yes 12/17/80
no _____

APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes ☒ no _____ Remarks _____

Disapproved _____

Returned _____

Diversion Point _____

approximate center of SE $\frac{1}{4}$ 5-90-49SE $\frac{1}{4}$, Sec. 5-T90N-R49W

Lands to be irrigated _____

					*

WELL
LOG

Remarks _____

Driller Wetmore DrillingLicensed yes ☒ no _____Depth 100' deep

Water Right No. _____

MAP Map No. 3805-3 Map located in Water Right xx Map file _____
 Type of Map Aerial Prepared by Louie De Smet, Co Agent

+++++

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 1/28/80.

Betty Wieschind
 (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. 4587-3Map No. 3805-3 Water Division No. 3 MISSOURI RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

10173161

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Arvin Rubida
 Postoffice address Box 546, Elk Point, State South Dakota 57025
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
3. Name of diversion work Rubida #1
4. Amount of water claimed (cubic feet per second) 2.285
5. Source of water supply well
6. Location of point of diversion center SE 1/4 Sec 5 T90N R49W

County Union

7. Annual period or periods during which water is to be used April through October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 160

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.
SE 1/4 Sec 5 T90N R49W	160		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Elk Point Leader Courier
12. Principal Features of the Proposed Water Supply System.

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

Well and pump

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

Pipe

C. Works proposed to apply water to beneficial use.

SprinklersEstimated Total Cost \$ 45000.00Attachments: 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 Union)I, Arvin Rubida, 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 Arvin RubidaSubscribed and sworn to before me this 8 day of June, 1982

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

4587-3

The Water Rights Commission hereby approves Water Right Application No. _____

Arvin Rubida

(Applicant)

Box 546, Elk Point

(Post Office Address)

South Dakota 57025

(State)

With the following modifications:

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

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application _____ DECEMBER 10 _____, 19 80

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

Date of receipt of corrected application _____, 19 _____

Approved _____ JANUARY 29 _____, 19 81, Recorded in Book _____ 22 _____ Page _____ 5

WATER RIGHT PERMIT NO. 4587-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4587-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____ DECEMBER 10, 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____ JULY 29, 19 83
3. The whole of said work is to be completed on or before _____ JANUARY 29, 19 84
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____ JANUARY 29, 19 86
5. The water appropriated shall be used for the purpose of _____ IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed _____ 2.28 _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before _____ JANUARY 29, 19 86; said water to be used during the following described annual period: _____ APRIL THRU OCTOBER

Witness my hand this _____ 24th _____ day of _____ FEBRUARY _____, 19 81

WATER RIGHTS COMMISSION

By: _____

Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

WETMORE DRILLING

Elk Point, South Dakota 57025
Phone (605) 353-3272

Address

113

[illegible]

**Please Pay By Invoice
No Statement Will Be Sent**

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 24", Depth 100'
- (2) Casing, Type transite Diameter 16" Thickness 1/2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type transite sawed & slotted Diameter 16" Length 24'
- (4) Gravel Pack. Thickness 4" Length of gravel pack 30'

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials see attached log

Depth to top of water bearing material 20'

Depth to bottom of water bearing material 100'

Thickness of water bearing material 80

Depth to water (ground surface to water level) 16'

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

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

G. Water Storage Dams.

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

Chris R. B. B.
Signature of Applicant



SOUTH DAKOTA STATE UNIVERSITY
Brookings, South Dakota 57007

Water Resources Research Institute
Telephone 605-688-4910

December 3, 1980

Arvin F. Rubida
Box 546
Elk Point, SD 57025

Dear Mr. Rubida:

Enclosed is your copy of the laboratory report of analysis for water sample No. 80-1064.

I have plotted the approximate quantity of your water by means of a red cross in the accompanying chart.

Sample No. 80-1064 is classified as a high saline, low sodium water. It is suitable as a source for irrigation.

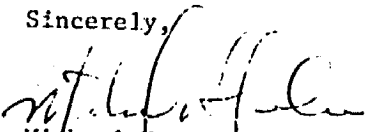
Application rates exceeding crop requirements will ensure that the light salt load dissolved in your water will not accumulate in the top soil. The predominant salt is calcium-bicarbonate.

The Blyburg silt loams found in the SE 1/4 of Section 5-90-49 are very fertile soils and possess a high available water capacity. Infrequent irrigations with application rates ranging from two to three inches should produce highest possible yields.

If a rising water table should develop in the narrow swales of the SE 1/4 of Section 5-90-49, please contact your county extension agent or this office for assistance.

I will forward your WI-1 form, soils information, and water analysis to the Conservation Commission for their action.

Sincerely,


Michael H. Sanders
Water Quality Lab
Division of Conservation

MHS:ckb

Enclosures

cc: Division of Conservation
D. Pahl, Extension Service

CONSERVATION COMMISSION

1/1 FORM

3/80

Office Use Only

SOIL WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Arvin F. Nabholz OWNERS ADDRESS: Box 46COUNTY LAND LOCATED IN: Clayton PHONE: 2977

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: Section 27 E 4 N 49 W

2. SURFACE WATER SOURCE: _____

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>Section 27 E 4 N 49 W</u>	<u>160</u>		

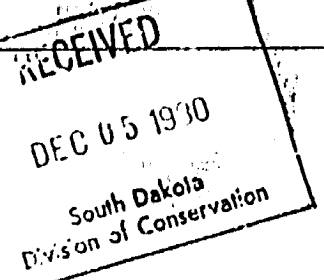
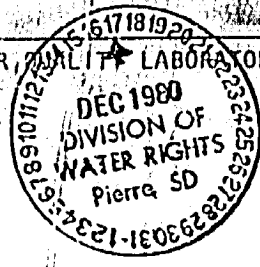
4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: X GUN: _____ OTHER: (Specify) _____5. CROPS TO BE IRRIGATED: Corn, Soybeans, Etc

6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

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

7. WATER SAMPLE NUMBER: 830-10648. SALINITY (EC X 10⁶): 10009. SODIUM (SAR): 1.1010. ADJUSTED (SAR): 2.95

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 10 a.m./p.m., on 1-18, 1980, at the following location: Section 27 E 4 N 49 W by _____ (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 agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

12th DAY OF November, 1980

Robert M. Macy
(NOTARY PUBLIC)

ROBERT M. MACY



NOTARY PUBLIC

1980

Director, Division of Conservation

IMPORTANT My Comm. Exp. 7-19-87☒ APPROVED☐ DISAPPROVED☐ CONDITIONALLY APPROVED

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.

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Arvin Buhda

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

RECOMMENDED MANAGEMENT:

Surface drainage suggested on any area that tends to pond water.

Occasional use of deep tillage may be beneficial should be planned with
heavy fall application of irrigation water.

Your rainfall area and flat topography indicate that certain years of
normal to excess rainfall may leave you with ponding or saturated soil
conditions.

As a remedy, it may be feasible to excavate an area for excess water
accumulation, which can be pumped back through your system, if necessary.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4587-3

(1) WHEREAS, On the 10th day of December, A. D. 1980
Arvin Rubida

made Water Right Application No. 4587-3 for a permit to use 2.28 cubic feet per second of the waters of groundwater (one well)

County of Union, State of South Dakota, for irrigation

purposes; and
 (2) WHEREAS, On the 29th day of January, A. D. 1981

Permit No. 4587-3, with a date of priority of December 10, 1980

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 29th day of January, A. D. 1982 and for the application to beneficial use of said water on or before the 29th day of January, A. D. 1986

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.86 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate the following land all in Section 5, T90N, R49W

NW 1/4 SE 1/4 28 acres

NE 1/4 SE 1/4 34 "

SW 1/4 SE 1/4 34 "

SE 1/4 SE 1/4 34 "

TOTAL 130 acres

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

_____ of Elk Point, South Dakota
the holder _____ and owner _____ of said permit No. 4587-3 a water right, dating from December 10, 1990
_____ to use of 1.86 cubic feet per second of the waters
of groundwater (one well)
in the County of Union and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 90'N of the center of the SE 1/4,
Section 5, T90N, R49W

and conducted to and upon portions of the SE 1/4 of Section 5, T90N, R49W more
fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4587-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 22nd day of December A. D.
Nineteen Hundred and Eighty one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 4587-3

Water Diversion No. 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Arvin Rubida

Permit No. 4587-3, issued upon Application No. 4587-3, bearing date of priority of December 10,
1980 authorizing the diversion of 2.28 cu. ft. per second of the waters of groundwater (one well) County of Union, State of South Dakota at
a point 90'N of the center of the SE 1/4, Section 5, T90N, R49W

for irrigation

purposes, has B complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.11 cu. ft. per second of water.

Date, December 22, 1981


JOHN HATCH, Chief Engineer
Water Rights Division

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Union)

I, Lester E. Emerson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Leader-Courier

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

Town Elk Point of Union

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

Thursday, December 25, 1980

Thursday, January 1, 1981

Lester E. Emerson
(Signature)

Publisher-Editor
(Title)

January 2, 1981
(Date Signed)

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
December 19, 1980

Notice is hereby given that Arvin Rubide whose post office address is Elk Point, 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 ARS1) 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.25 cubic feet of water per second of time from ground water (one well) through the Rubida #1, the point of diversion of which is to be located in the approximate center of the SE $\frac{1}{4}$ of Section 5, Twp. 90N, Range 49W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SE $\frac{1}{4}$, Section 5, T90N, R49W.

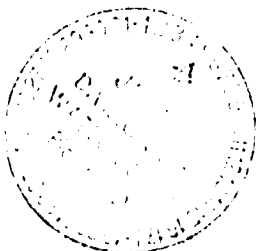
This Application No. 4587-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Building, Church & Illinois, Pierre, SD upon the 28th day of January, 1981 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear 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
Pub. Dec. 25, Jan. 1.



No. 4587-3

Publish first publication, on or before January 1, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 19, 1980

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(one well) through the Rubida #1, the point ~~(x)~~ of diversion of which is ~~(xxx)~~ to be located in the approximate center of the SE $\frac{1}{4}$

of Section 5, Twp. 90N, Range 49W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE $\frac{1}{4}$, Section 5, T90N, R49W

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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

cc: Arvin Rubida, Box 546, Elk Point, SD 57025 BETTY WESTLUND
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7822

PIERRE,

December 15

19 80

RECEIVED OF Rubida Insurance, Elk Point, SD 57025

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

Fee for Application for Permit to Appropriate Water No. <u>4537-3</u> (examination, processing, recording and filing) _____	250.	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 filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	250.	00

WATER RIGHTS COMMISSION

By (Signature)
Chief Engineer, Executive Officer

Permit No. 4587-3
 Water Division 3 Big Sioux River Water District
 10110101

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

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

I have this day made a thorough examination of the water use system constructed by ARVIN
RUBIDA of ELK POINT holder
 of Permit No. 4587-3, bearing date of priority of DECEMBER 10, 1980
 authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUNDWATER
 for IRRIGATION purposes, in Union County.

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

The Water Use System consists of,

A. Works used to divert the water:

120' DEEP WELL - 16" PLASTIC CASING - 20' SLOTTED SCREEN
WESTERN LAND ROVER 8" PUMP 5 12 BHC
POWERED BY 40 HP US ELECTRIC MOTOR @ 1760 RPM

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

90' OF 8" ALUMINUM LINE FROM WELL TO PIVOT

C. Works used to apply water to beneficial use.

7 TOWER VALLEY ELECTRIC DRIVE LOW PRESSURE
SYSTEM WITH NELSON #100 END GUN

The system is in the following condition, NEW

The point of diversion is located 90' N OF THE CENTER OF THE SE⁴
SECTION 5, T90N, R49W

The works are capable of diverting and conveying to the place of use 2.11 (950 GPM)
 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 5, T90N, R49W

NW ⁴ SE ⁴	28
NE ⁴ SE ⁴	34
SW ⁴ SE ⁴	34
SE ⁴ SE ⁴	34

comprising a total of 130 acres of land

Date SEPTEMBER 30, 1981

Department of Water & Natural Resources

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

April 15, 1985

Bruce Rubida, Operator
Elk Point SD 57025

NOTICE

Re: Violation of Water Permit No(s). 4587-3

Our records indicate that the 1984 Irrigation Questionnaire has not been received for Permit No(s). 4587-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 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). 4587-3 qualification:

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

The hearing(s) will be at 10:30 a.m., April 16, 1985, Civil Defense Room, Basement, State Capitol 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.

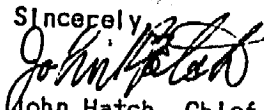
Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4587-3 until either the 1984 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

Bruce Rubida, Operator
April 15, 1985
Page 2

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, Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the 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.

A40407KS.wr



Department of Water & Natural Resources

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

May 17, 1985

Notice of One Year Suspension of Water Permit

To: Bruce Rubida, operator
for Arvin Rubida
Elk Point, SD 57025

Arvin Rubida, owner
Elk Point, SD 57025

FROM: John Hatch, Chief Engineer
Water Rights Division

SUBJECT: One Year Suspension Of Water Permit No(S). 4587-3, If The 1984
Irrigation Questionnaire Is Not Received By June 1, 1985.

Pursuant to the provisions of the notice dated April 15, 1985, and following the
Hearing May 15, 1985, the Water Management Board ordered:

That Water Permit No(s). 4587-3 be suspended until December 31, 1985, unless the
required 1984 Irrigation Water Use Questionnaire is received by June 1, 1985.

Suspension of a permit means water may not be pumped during the 1985 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, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

☒ Show to whom and date delivered — c
☐ Show to whom, date, and address of delivery.. — c

- 2.
- ☐
- RESTRICTED DELIVERY**

(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

- 3.
- ARTICLE ADDRESSED TO:**

Arvin Rubida
Elk Point SD 57025

- 4.
- TYPE OF SERVICE:**

☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

P 535 724 521

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Arvin Rubida

- 5.
- DATE OF DELIVERY**

5-18-85

- 6.
- ADDRESSEE'S ADDRESS (Only if requested)**

ELK POINT
 MAY 18
 PM
 1985

- 7.
- UNABLE TO DELIVER BECAUSE:**

7b. **EMPLOYEE'S INITIALS**

PS Form 3811, Dec. 1983

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete Items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one). ☒ Show to whom and date delivered —c ☐ Show to whom, date, and address of delivery.. —c	
2. ☐ RESTRICTED DELIVERY —c (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$ _____	
3. ARTICLE ADDRESSED TO: Bruce Rublida Elk Point, SD 57025	
4. TYPE OF SERVICE: ☐ REGISTERED ☐ INSURED ☒ CERTIFIED ☐ COO ☐ EXPRESS MAIL	ARTICLE NUMBER P 535724 514
(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent <i>Bruce Rublida</i>	
5. DATE OF DELIVERY MAY 20 1985	POSTMARK
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

May 21, 1985

Arvin Rubida
PO Box 546
Elk Point SD 57025

Dear Mr. Rubida:

Enclosed is your 1984 Irrigation Questionnaire for 1984 and postage prepaid envelope for it's return.

Future mailings will be sent to your address and not to your operator Bruce Rubida. We sent the April 15, 1985 notice to him.

Please return the questionnaire by June 1, 1984 to avoid suspension of your permit.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

cc: Bruce Rubida

Equal Opportunity Employer

41 4-58 7-3
Arvin Rubida
signature

5-18-85

Water & Resources
Pierre, South Dakota
John Hatch, Chief Engineer

Dear Mr. Hatch.

I received your certified letter today at the Elk Point post office in regards to my not returning water use questionnaire.

I did not receive a questionnaire or a notice which you indicated was dated April 15, 1985.

Last year we had the same problem.

My address must read as follows if mail is to get in my box.

Arvin Rubida
P.O. Box 546
Elk Point, South Dakota 57025

This correction was to be made last year. Evidently it hasn't.

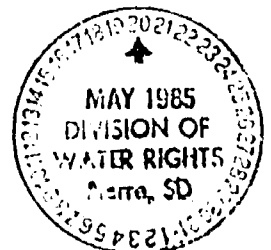
The only way I will receive mail with out the P.O. Box number is by certification.

Please forward your questionnaire by P.O. Box 546 or have it certified.

Yours Truly,

Arvin Rubida

sent form 5-21-85



 **Department of
Water & Natural Resources**

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

February 8, 1989

BRUCE RUBIDA-OPERATOR
ELK POINT, SD 57025

NOTICE

RE: Violation of Water Permit No(s). 4587-3

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 4587-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4587-3 qualification:

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

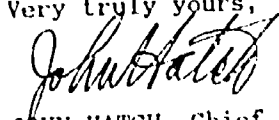
The hearing will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD. The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 4587-3 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the March 1st hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



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

cc: Arvin Rubida
Box 546
Elk Point SD 57025



SOUTH DAKOTA Department of
Water & Natural Resources

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

February 23, 1989

4587-3

Arvin Rubida
Box 546
Elk Point, SD 57025

Dear Mr. Rubida:

I am writing to acknowledge receipt of your 1988 Irrigation questionnaire for Water Permit No. 4587-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

NOT TO SCALE

Bruce Rubida

91-49

1064
(6m412)
167.0

(5-55)
165.3

↑
North
Sec 3
T91 R49

Prepared by
L E DeSmit
Union Co Ept agent
Dec 1-80

(5m41)
132.8

5-103
150.2

4 16.4

Well
X

90-49

~~Map No. 3605-B~~ Appl. 4587-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 10, 2005

4587-3

Arvin Rubida
PO Box 546
Elk Point SD 57025

Dear Mr. Rubida:

Thank you for calling about the change you would like done to Water Right No. 4587-3.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, your son will need to sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 10, 2005

4587-3

Arvin Rubida
PO Box 546
Elk Point SD 57025

Dear Mr. Rubida:

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If you have any questions, please contact me.

Sincerely,

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

enclosures

RECEIVED

NOV 21 2005

**WATER RIGHTS
PROGRAM**

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date NOVEMBER 21, 20 05

RECEIVED OF Bruce Rubida, 116 Main St., PO Box 546, Elk Point SD 57025

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>4587-S</u>		2.50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

2012

By

Darlene S. White
Chief Engineer
gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4587-3

RECEIVED

NOV 21 2005

Date: 11-16-05

WATER RIGHTS
PROGRAM

I/We request that Water Permit No. 4587-3

formerly owned by: Arvin Rubida

be transferred to: (name & address)

Bruce Rubida
32753 478 Ave. Elk Point, S.D. 57025
Telephone No 605-356-2754

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

130 acres - SE ¼ Section 5, T90N, R49W

I/We understand that the validity of Water Permit No. 4587-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

Bruce Rubida
(Signed by new owner)

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 23, 2005

4587-3

Bruce Rubida
32753 478th Ave
Elk Point SD 57025

Dear Mr. Rubida:

I am writing to acknowledge receipt of the ownership change and the filing fee you submitted for transferring Water Right No. 4587-3. The transfer has been completed. The water right formerly listed in the name of Arvin Rubida is now listed in your name.

Enclosed is your Receipt No. 002012 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure



4587-3
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 16, 2015

NOTICE

TO: BRUCE RUBIDA, 32753 478TH AVE, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4587-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 4587-3 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 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4587-3 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 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2015

4587-3

Bruce Rubida
32753 478th Ave
Elk Point SD 57025

Dear Mr. Rubida:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 4587-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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